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HANSARD'S

PARLIAMENTARY DEBATES,

VOL. XCIII.

HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

10° & 11° VICTORIÆ, 1847.

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THE SECOND DAY OF JUNE,

TO

THE SIXTH DAY OF JULY, 1847.

Fifth Volume of the Session.

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1847.

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HANSARD'S

PARLIAMENTARY DEBATES,

In the *Seventh Session* of the *Fourteenth Parliament* of the United Kingdom of *Great Britain*
and *Ireland*, appointed to meet 11 November, 1841,
and from thence continued till 19 January, 1847, in the
Tenth Year of the Reign of

HER MAJESTY QUEEN VICTORIA.

FIFTH VOLUME OF THE SESSION.

HOUSE OF COMMONS,

Wednesday, June 2, 1847.

Minutes.] Public Bills.—1° Parliamentary Electors (No. 2); Prisoners Removal (Ireland).
2° Royal Marine Service.

Petitions Presented. By Sir S. Glynne, from Clergy of Gloucester and Bristol, for Better Observance of the Lord's Day.—By Mr. C. Round, from Bath Church of England Lay Association, against the Roman Catholic Charitable Trusts Bill.—By Mr. Manners Sutton, from several places, for Regulating the Qualification of Chemists and Druggists.—By the Earl of Arundel and Surrey, and Mr. Wilson Patten, from Roman Catholic Clergymen of several places, for Alteration of the Proposed Plan of Education.—By Mr. Hawes, from Physicians, Surgeons, and Medical Officers of the Metropolitan Hospitals, General Lygon, from Worcester, and Mr. Charles Round, from Colchester, in favour of the Health of Towns Bill.—By Sir E. Filmer, from Northfleet, and Mr. Spooner, from Birmingham Waterworks Company, for Alteration of the Health of Towns Bill.—By Mr. S. Crawford, from Donegal, for Alteration of Law of Landlord and Tenant (Ireland).—By several hon. Members, from a great many places, in favour of the Medical Registration and Medical Law Amendment Bill.—By Mr. Duncan, from Dundee Chamber of Commerce, against the Repeal of the Navigation Laws.—By Lord Rendlesham, and Sir W. Somerville, from Suffolk, for Repeal or Alteration of the Poor Removal Act.

POLLS FOR COUNTY ELECTIONS.

On the Order of the Day for the Second Reading of the County Elections Polls Bill,

Sir G. GREY observed, that he concurred in the principle of the Bill; but as there appeared to be an expectation of a general election taking place during the present year, he thought it would not be desirable to pass the Bill at the present moment; as, if a general election should take place this year, there would not be time for the magistrates at the county courts to fix the additional polling places rendered necessary by the Bill.

Mr. FREWEN said, that, after what had fallen from the right hon. Gentleman, he did not wish to take up the time of the House in discussing the Bill, and would therefore withdraw it.

Second reading postponed for three months.

JUVENILE OFFENDERS BILL.

House in Committee on the Juvenile Offenders Bill.

On the first Clause,

Sir J. PAKINGTON observed, that certain changes of an important nature had been introduced into the Bill, partly in conformity with the opinion expressed by the House on a former occasion, and partly in consequence of suggestions made in the Select Committee to which the Bill had been referred. Generally, he did not object to these alterations; but there was one, of an important character, which he thought to be no improvement. As the Bill was first drawn, a power of imprisonment for six months was given to the magistrates. That maximum of imprisonment had been reduced by the Select Committee to three months; and, though this was an alteration not inconsistent with the principle of the Bill, yet he did not approve of it, as it was now desired by all to make imprisonment a means of reformation. However, if the sense of the House were in favour of the alteration, he was content to abide by it.

Sir G. GREY said, that this was one of the points connected with another subject, namely, the nature of the places of confinement to which the offenders were to be sent. He should be in favour of the longer term of imprisonment, provided these juvenile offenders were committed to a place of a purely reformatory character; but rather than commit these offenders for any lengthened period to the gaols as at present constituted, he should be disposed to concur in the view taken of the subject by the Select Committee. This, however, only confirmed him in the opinion that it would have been better to postpone the Bill until they could have taken up the large question of the reformatory system with respect to juvenile offenders.

The words in the clause limiting the term of imprisonment to three months, adopted.

The words authorizing the "public" whipping of male juvenile offenders were, at the suggestion of the Attorney General, omitted from the clause.

Colonel T. WOOD said, that the clause, as now amended, gave the power of inflicting "private" whipping twice on these juvenile offenders. He thought that one whipping was quite enough for boys.

Mr. ESCOTT suggested that all the words relating to whipping should be omitted from the clause.

Mr. GREENE (the Chairman) stated, that in point of form such an Amendment could not now be moved, as that part of the clause was already passed. It must be postponed until the report on the Bill.

Mr. ESCOTT, as he could not now move an Amendment, would divide the Committee against the whole clause.

Mr. WAKLEY was convinced that whipping was a very bad punishment, and the sooner it was wholly discontinued the better. The magistrates of this country were not a very wise or discreet body of men, nor were they always selected on account of their love of justice; he had seen enough of their conduct to tremble at a proposal to place more power in their hands. Such a Bill as this ought not to have received any support from the Government.

The ATTORNEY GENERAL thought the hon. Member ought not to blame the Government without first considering what was the present state of the law. A child might now be committed to gaol, stay there for weeks, and then be tried as a felon, and sentenced to be once, twice, or thrice whipped. The question was, whether, having a defective mode of punishment at present, Parliament ought, in altering the tribunal, to disarm it of the power of sentencing a child to be privately whipped instead of imprisoned, the whipping being under the control of the superintending justices, and regulated by the rules of the prison. It should be remembered, too, that the present Bill was not to apply to cases where the young person charged "objected to the case being summarily disposed of" under these provisions.

Viscount SANDON thought the power to sentence to a whipping was exceedingly important, even for the interests of the poor themselves. Why should a boy, taken up for stealing a few apples, be sent to prison for several weeks, to be then discharged, ruined in character? A good wholesome flogging would be infinitely better for him. It was useless to try reformatory discipline for less than several months; and how could any one stand up for a long sentence of imprisonment for boyish offences, which were often brought before a magistrate in too serious a manner?

Mr. WAKLEY wondered why, if the noble Lord thought the lash so good for boys, he did not propose it also as a punishment for men. Did not he believe that a boy felt a blow as much as a man? It was a thing that a boy never forgot. He (Mr. Wakley) would say, "Don't whip, but educate." Flogging was altogether an improper species of punishment, and the power of inflicting it ought not to be in the hands of the magistrates. Every time a boy was flogged, he became worse than he was before; it nourished in him a bad, revengeful disposition.

VISCOUNT SANDON denied that the punishment of flogging was the same to boys as to men; by men it was felt to be a degradation—by boys it was not. How would the hon. Member propose to punish boys for trifling offences?

MR. ADDERLEY said, the question was not settled by saying, "Don't whip, but educate;" for whipping was a part of education.

MR. DUGDALE remarked, that the hon. Member for Finsbury himself made out that whipping was an effective punishment; for he said a boy would recollect it as long as he lived.

MR. WAKLEY did not see that any advantage came of the boys so recollecting the flogging; and as to whipping being a part of education, he preferred an education that dealt with head rather than tail. He knew an instance lately where a poacher's son was subjected by a magistrate to great severity, in the opinion of the son, because his father was a poacher; and he (Mr. Wakley) could not consent to giving a large discretionary power to magistrates, however excellent they might be. He was not for long imprisonments; but, with the present system, he confessed he hardly knew what to propose. We wanted not merely good laws, but a better mode of administering them. In our courts of law, justice seemed to be denied under certain circumstances; and feelings were in operation there which, in his opinion, were most prejudicial to society.

The Committee divided on the question that the words "privately whipped" stand part of the clause:—Ayes 55; Noes 7: Majority 48.

List of the AYES.

Adderley, C. B.
Baring, rt. hon. F. T.
Bell, M.
Berkeley, hon. C.
Bodkin, W. H.
Bowles, Adm.
Broadley, H.
Carew, W. H. P.
Carnegie, hon. Capt.
Christie, W. D.
Christopher, R. A.
Clive, hon. R. H.
Compton, H. C.
Dickinson, F. H.
Divett, E.
Drummond, H. H.
Duncan, G.
East, Sir J. B.
Egerton, W. T.
Estcourt, T. G. B.
Forbes, W.
French, F.
Frewen, C. H.
Fuller, A. E.
Grey, rt. hon. Sir G.
Hamilton, G. A.
Harcourt, G. G.
Harris, hon. Capt.
Heathcote, Sir W.
Heneage, G. H. W.
Hildyard, T. B. T.
Hodgson, R.
Inglis, Sir R. H.
Jervis, Sir J.
Jolliffe, Sir W. G. H.
Langston, J. H.
Lygon, hon. Gen.
Marshall, W.
Martin, C. W.
Monahan, J. H.
Mundy, E. M.
Palmer, R.
Prime, R.
Rendlesham, Lord
Sandon, Visct.
Scrope, G. P.
Smollett, A.
Somerville, Sir W. M.
Spooner, R.
Stanton, W. H.
Trevor, hon. G. R.
Tufnell, H.
Verner, Sir W.
Vivian, J. H.
Waddington, H. S.

TELLERS.

Dugdale, W. S.
Pakington, Sir J.

List of the NOES.

Butler, P. S.
Curteis, H. B.
Fielden, J.
Morris, D.
Trelawny, J. S.
Wawn, J. T.
Williams, W.

TELLERS.

Escott, B.
Wakley, T.

MR. BODKIN was understood to object to the power given by the same clause of substituting, at the discretion of the magistrates, a fine for whipping, and proposed an Amendment to take away that power.

SIR J. PAKINGTON approved of assimilating the powers given under the Bill to those already possessed by the magistrates. He had seen cases in which no responsibility could be laid on the parents, however well merited, from the want of power to inflict a fine.

MR. WAKLEY thought the rich ought not to have an opportunity of escaping by a pecuniary fine; but if there was to be flogging, then rich and poor alike ought to have the same chance of suffering the punishment.

SIR G. GREY stated that the penalty was upon the offender, whether it was fine or whipping. A child had no goods on which a distress could be levied, but might be subjected to imprisonment on non-payment; so that, virtually, the clause affected the parents.

The ATTORNEY GENERAL, while he acknowledged that there were apparent difficulties and objections to the clause, maintained that the means by which it was proposed to reach the parents seemed the most effectual for the purpose.

The Committee divided on the question, that the words proposed to be left out stand part of the Question:—Ayes 30; Noes 27: Majority 3.

List of the AYES.

Adderley, C. B.
Austen, Col.
Baring, rt. hon. F. T.
Berkeley, hon. C.
Carew, W. H. P.
Christopher, R. A.
Clive, hon. R. H.
Curteis, H. B.
East, Sir J. B.
Forbes, W.
Frewen, C. H.
Hamilton, G. A.
Heneage, G. H. W.
Hildyard, T. B. T.
Hodgson, R.
Inglis, Sir R. H.
Langston, J. H.
Lygon, hon. Gen.
Martin, C. W.
Mundy, E. M.
Palmer, R.
Prime, R.
Rendlesham, Lord
Stansfield, W. R. C.
Stanton, W. H.
Tancred, H. W.

Trevor, hon. G. R.
Verner, Sir W.
Vivian, J. H.
Waddington, H. S.

TELLERS.
Pakington, Sir J.
Heathcote, Sir W.

List of the NOES.

Bailey, J.
Broadley, H.
Cowper, hon. W. F.
Dalmeny, Lord
Dickinson, F. H.
Duncan, G.
Escott, B.
Fielden, J.
Fuller, A. E.
Grey, rt. hon. Sir G.
Harcourt, G. G.
Harris, hon. Capt.
Howard, hon. C. W. G.
Jervis, Sir J.
Jolliffe, Sir W. G. H.
Marshall, W.
Maule, rt. hon. F.
Monahan, J. H.
Morris, D.
Scrope, G. P.
Somers, J. P.
Somerville, Sir W. M.
Spooner, R.
Trelawny, J. S.
Tufnell, H.
Wakley. T.
Wawn, J. T.

TELLERS.
Bodkin, W. H.
Egerton, T.

Clause agreed to.

Bill passed through Committee, and to be reported.

House resumed.

The report was then ordered to be brought up to-morrow.

POOR AND HIGHWAY RATES EXEMPTION BILL.

MR. P. SCROPE moved the Second Reading of the Poor and Highway Rates Exemption Bill. The hon. Member said, the principle of the exemption of poor persons from local taxation was generally adopted in this country, and was well understood. It was applied to all direct and personal taxation. So long as the house tax lasted it was not levied upon persons occupying houses under 5*l.* per year rent, and the existing window tax did not apply to houses containing under a certain number of windows. The property and income tax, in like manner, was only levied upon persons whose income exceeded a certain amount. The principle, therefore, of exemption in certain cases applied both to local and general taxation. With regard to local taxation, the principle had no novelty whatever, and all he desired was to vary and improve the mode of its application. The Act of the 43rd Elizabeth, which provided for the relief of the poor, professed to rate individuals not according to their property, but according to their means; and as a ready standard of their means it took the value of their occupation. This standard was no doubt imperfect, though for a long time it had answered the purpose; but in carrying out the principle it had been generally found expedient to exempt the poor from its operation. The Legislature, in consequence, affirmed the principle that rates ought not to be collected from the extreme poor, and accordingly the poorer classes of occupiers were excused the payment of rates by the Act 54 George III., c. 70. But the exemption was effected in a form that rendered it exceedingly inconvenient; for the Act provided that upon the representation of churchwardens and overseers, justices should be empowered to exempt occupiers, upon the ground of poverty, from the payment of local rates. Under this Act, as might be supposed, a great number of persons and a vast mass of property had been released from the charge. But it had been effected in a manner most inconvenient to the magistrates, the overseers, and the poor themselves. There were always a great number of persons in poor circumstances certainly, but in whose cases it was extremely doubtful whether there ought to be exemption or otherwise. In such cases there was invariably a struggle between the officers and the party; and when the appeal was made to the magistrates, there was not only much trouble, but great annoyance, expense, loss of time, and liability to abuse. He proposed, therefore, to carry out the principle of exemption in a form which would at once be safe, convenient, and practical, by enacting, as in other instances, that the liability to poor and highway rates should be in proportion to the amount of occupation. In other words, he proposed to affirm that the principle on which these rates were collected, should be the principle upon which they ought to be excused. This Bill, then, would exempt only the cottages of the poor from local taxation. Stock in trade and funded property were not liable to local rates; and he could not see by what argument of justice it could be shown that the cottage of the poor man should not have the same privilege. Existing documents, even those in the possession of the Poor Law Commissioners, afforded no information as to the aggregate amount of exemptions on account of poverty; but in moderate-sized towns the amount excused was 10*l.* per cent., and in Liverpool he had been informed it reached so high as one-third of the whole sum levied. In that town all houses under 13*l.* rent were practically excused; and out of 400,000 houses no less than 32,000 were exempted from this liability. Now, if the limits were defined at which the exemption should commence, an end would be at once put to the inconvenience and difficulty which justices were often under in attempting to decide doubtful cases, whilst the poorer occupiers would have the advantage of certainty. He appealed to the House, then, to sanction the principle of this measure, and to put the law upon a clear and intelligible footing; and he would remark that the exemption of cottage property from local taxation would encourage the erection of improved dwellings for the occupation of the poor. When rates were to be paid in addition to rent, it was clear that the effect must be to drive the poor to a lower class of tenements, to be satisfied with lodgings of one or two rooms where more were required for adequate accommodation. Exemption from rates would have the effect of enabling them to occupy a superior class of cottages, and thus put a stop to much of the discomfort and demoralisation consequent upon the present character of their domiciles. He would propose to fix the point under which exemption should take place at a rent of 6*l.* for cottages, though it might be a subject for consideration whether some alteration might not be made as regarded tenements situated in large towns. He would conclude by moving that the Bill be read a second time.

Sir G. GREY entirely concurred with his hon. Friend, that it was very desirable by all means that were practicable to improve the accommodation for the poor; but he was not at all convinced that the Bill he had now moved would accomplish that object. His hon. Friend proposed two objects: to increase the number of cottages available for residences for the poor; and to provide an improved class. The Bill applied to towns as well as the country; in the latter, his hon. Friend suggested that tenements under the value of 6*l.* should be exempted, though as regarded the former, he left the point open for the Committee. Now, what would be the effect if this Bill were to pass? A direct premium would be held out to speculators building the worst class of cottages. He thought the uncertainty which must attach to any provision of this kind, was in itself, a great exemption, Houses of the class referred to, were not to be assessed to the relief of the poor; therefore, the only evidence to determine the fact of their belonging to it, would be either the rent actually paid, or the evidence of surveyors of that kind with which they had been familiar some years ago. If you fixed a maximum, applicable to both town and country, you had a most uncertain standard of exemption; a cottage which might be had for 6*l.* in some country town, might cost double that sum in Manchester or Liverpool. For these reasons, he certainly thought it would not be desirable that this Bill should receive the sanction of the House. He was not prepared to say, that the law as to rating was in a satisfactory state, or that abuses did not exist under the Act of the 51st George III., for exempting persons from the payment of rates. The same objections, however, applied to this Bill, as had been brought against that of the hon. Member for West Suffolk (Mr. Waddington) in the early part of the Session, which the House had then rejected; and he hoped the same course would be taken with this Bill. He should move as an Amendment, that it be read a second time that day six months.

Mr. WAKLEY very much feared that this Bill would not effect the object of the hon. Member for Stroud, or accomplish in any respect the good the hon. Member had so often expressed a desire in that House to bring about. It would hold out, as the Secretary for the Home Department had remarked, a premium to the worst class of building speculators. The rents paid by the poor were now enormous, even for very bad habitations; but he thought this Bill would not improve either the habitations or the rents. Indeed, he doubted much, whether by direct legislation they could ever improve them. The evils of the present state of things were great; and that the poor paid very much more in proportion than the rich, was also indubitable. But the hon. Gentleman seemed to believe that those habitations belonged to the poor, though the fact was, that they were not the property of the poor, belonging often to the wealthiest men in the land, who expended large sums in building houses, and then screwed up rents to the highest point. Again, under this Bill a man was to be punished if the drainage in his neighbourhood was bad, though it was not under his control. He trusted the hon. Gentleman would see the expediency of withdrawing his Bill. The subject was one of very great difficulty, and ought to be taken into consideration by the Government, as he sincerely hoped it would be in another Session of Parliament. If anything could be done to relieve the annoyances under which the poor now laboured, the House ought to apply its mind vigorously to the subject; an enormous number of persons were now summoned day after day to pay rates, which they were not liable to pay, and assessed under the most cruel regulations.

Sir J. PAKINGTON regretted, that there should appear so little chance of the hon. Member succeeding in his benevolent attempt to amend the evils under which the poor now laboured. He would impress on the Secretary for the Home Department, the importance of taking up this subject in another Session of Parliament.

Colonel T. WOOD thought no practical good, but the contrary, would be produced by this Bill. He referred to the effect produced by the exemption of small tenements from rates at Coventry. Persons who had absolutely no money of their own, borrowed money from the corporation, which they laid out in building houses of a very confined and inferior description. The builders had confessed they were receiving $12\frac{1}{2}$ and 13 per cent for their money from the rents; yet, not content with that, an additional charge of $1\frac{1}{2}$*d.* and 2*d.* a week was made, on the ground of the houses being exempted from the poor rate.

Mr. P. SCROPE said, his chief object had been to call the attention of the House and the Government to the importance of the subject; and having effected that, he would withdraw the Bill for the present.

Bill withdrawn.

House adjourned at half-past Three.

HOUSE OF LORDS,

Thursday, June 3, 1847.

Minutes.] Public Bills.—1^{a} Naval Mutiny.

2^{a} Poor Removal (England and Scotland); Service of Heirs (Scotland); Transference of Lands (Scotland); Burgage Tenure (Scotland); Heritable Securities for Debt (Scotland); Crown Charters (Scotland).

Petitions Presented. From the Mayor, Aldermen, and Burgesses of Manchester, for Improving the System of Imprisonment at present in force.—From Newcastle-upon-Tyne, and other places, for the Enactment of Sanitary Regulations.—From Teachers of the Sunderland Mechanics and Apprentices School, in favour of the Proposed Government Plan of Education.

POOR RELIEF SUPERVISION (IRELAND) BILL.

On the Motion that the Bill be read 2^{a},

The Earl of ELLENBOROUGH said, that this was one of the most mischievous Bills in principle which had ever been brought forward. By this Bill the Secretary to the Lord Lieutenant and the Under Secretary were practically the acting Commissioners for Ireland. Gentlemen accepted that office with a view to promotion, and were consequently changed with every change of Administration or chance of promotion, instead of remaining sufficient time to gain practical information; and there was every reason to expect great diversity would take place in the application of the most important principle of out-door relief, according as the office was filled by different persons. Gentlemen of all parties ought to act as guardians; but the consequence of this law would be that only the friends of the Secretary would be selected. When the Public Works Act, expired this Bill would be totally inadequate to meet the emergency.

The Marquess of LANSDOWNE maintained that the guardians were appointed without reference to political opinions, and such was likely to continue to be the case. In his view it was extremely important that the head of the administrative department of such a law should be a person who was a Member of the Government and always in Parliament, and, therefore, responsible to the country.

Lord BROUGHAM said, that the effect of the measure before the House, would be to make the Irish Poor Law a department of the Government. It was contrary to all principle that an officer who was to have a salary of 2,000*l.* a year, and who was to be connected with a department of such high importance, requiring his constant and especial superintendence—it was contrary to all principle that such an officer should be a Member of Parliament, and should be required to go out of power with the Government of the day. He could only say, that he viewed the recognition of such a principle with very great apprehension, and he should feel most reluctant to consent to it. As at present advised, he could not resist the arguments that he had just heard from his noble Friend near him. He thought that by this proposition these officers connected with the administration of the Poor Law would be liable, of necessity, to all the incidents of political animadversion. On the other hand, he admitted that there was a benefit to be gained by it, which was much wanted—namely, that of having a direct communication with the Government, and of having some person in Parliament who would be able to explain every matter connected with the Poor Law department of the country. But there were, on the other hand, these disadvantages, that everything done by the Poor Law Commissioners, or under their authority, became part of the proceedings of the Government of the day, and, therefore, open to all the attacks which party motives might induce people to make upon the Ministers. If so, the department would be entitled to defence by the Government; for the one was a necessary consequence of the other. The Poor Law Commission would, therefore, be attacked by the enemies of the Government, and would be supported by them and their Friends; thus would the administration of the Poor Law be exposed to unceasing Parliamentary and public discussion. Nothing, he thought, could be more unfit for the discussions of Parliament and of Government than the particular allowance of meat or of clothes to this or that class of paupers. It was all very well to discuss these matters as a general principle; but from time to time, when complaints were made upon such matters, to make them the subjects of Parliamentary discussion in Parliament was as injudicious a proceeding as he could well fancy. In taking this view of the measure, he hoped it would not be thought that he was giving any factious opposition to the proposition of the Government. The objections he had made to the measure were founded upon his honest convictions.

EARL GREY said, that he agreed in opinion with the noble and learned Lord that the principle of this measure was one of the greatest importance; he meant that principle which made the administration of the Poor Law more directly connected with the Ministers of the Crown for the time being. He was not surprised that the noble and learned Lord should entertain considerable objections to the change; but he thought it impossible that any Member of the other House of Parliament should have failed to see the mischief since 1834 arising from the introduction of discussions into Parliament under the existing state of things, and should not see the necessity for such a change of principle as that which they now proposed to adopt. Experience during past years had shown the great difficulty arising from the existing arrangements. Under the old system the Poor Law Commissioners were made subordinate to the Secretary of State, but yet those Commissioners were not removable by his advice; consequently the Government, though in some degree responsible for the conduct of the Poor Law Commissioners, were not able to exercise over them a full control. Every point in the conduct of the Commissioners was discussed. Debates were constantly going on upon the subject—all that had anything to do with the practical working of the system was brought under Parliamentary investigation; there was also an immense difficulty in the administration of the law, arising from the necessity of the Secretary of State applying to the Commissioners for information whenever he had any statement to make to the House; instead of coming with an intimate knowledge of the subject, he came down with cases prepared for him. How different his position from that of a man who was himself the author of the regulations or proceedings which were to come under discussion! The business to which the present Bill referred was strictly of an administrative character; and the noble and learned Lord opposite had frankly admitted the advantage likely to arise from agreeing to the Bill then before them. It was true enough that in matters of this kind it would be impossible altogether to get rid of party feeling; but an objection of that kind was one which applied equally to all the departments of the Government. The Home Secretary was called upon to administer, he might say, the whole criminal law of the country; but no exception was taken to his being a party man, and, practically, no one department was seized upon and made the object of party attacks. If any Opposition attacked a Government unfairly, the good sense of the people would support the Government, and soon put an end to such attacks. Every one connected with the business of Government for the last thirteen years must be convinced that the Bill now before the House was expedient and necessary.

The EARL of ST. GERMANS asked how it could be expected that the Secretary for Ireland in his capacity of Poor Law Commissioner could be held responsible for the due performance of those duties, when they would require him, by the present measure, to absent himself for at least six months in the year, while Parliament was sitting, from the immediate superintendence of those duties.

The EARL of WICKLOW did not like the course the debate had taken, by which it would appear that a principle which was deemed exceedingly objectionable as regarded this country, might very easily pass when Ireland was concerned. He would have much preferred that the Government had adopted the Amendment he had suggested when the Poor Law Bill passed—that none of the important functions of the Poor Law Commissioners should be exercised without the approbation and consent of the Lord Lieutenant. He thought it exceedingly objectionable that the two Secretaries should be joint Commissioners. He most decidedly protested against the monstrous powers it was proposed to vest in a single Commissioner.

LORD WHARNCLIFFE observed, that the case of the two countries was by no means the same; for in Ireland the Chief Secretary was absent the greater part of his time; and, besides, his duties were of so onerous a description, that he could not efficiently discharge those of a Poor Law Commissioner in addition. The result would be, that the whole of the duties and the power would devolve upon a single individual, namely, the third Commissioner. He did not think that was a judicious principle to adopt, because the result would be, that the administration of the affairs of the poor would be conducted in the manner that had been deemed so objectionable in that country. That would certainly be a retrograde movement, and one which he thought very objectionable.

After a few words from EARL FITZWILLIAM,

The EARL of LUCAN also expressed his disapproval of the principle of placing the whole of the responsibility in the hands of a single individual, as the present Bill would do. The addition of the two Secretaries was a mere delusion, as they would take no part in the management of the Commission; and on the whole, he thought it one of the most objectionable measures that had ever been brought before Parliament.

The MARQUESS of LANSDOWNE was understood to say, that he had no objection to postpone the further consideration of the question for some time, with the understanding that the Bill was then read a second time *pro formâ.* He would take care that noble Lords had ample opportunity afforded them of expressing their opinions on the measure, by fixing the Committee for a distant day.

The EARL of ELLENBOROUGH objected to the second reading being then taken, as it pledged the House to the principle of the measure. It would be more regular of the noble Marquess to postpone the second reading for ten days or a fortnight, and in so doing no time would be lost.

After a few words of explanation from the MARQUESS of LANSDOWNE,

Bill read 2^a.

POOR RELIEF (IRELAND) BILL.

The MARQUESS of LANSDOWNE moved the consideration of the Commons' Amendments to the Lords' Amendments, and the Commons' disagreement to Clause (F.); and proceeded to comment on the various points of difference between the two branches of the Legislature, but in so low a tone as to be totally inaudible in the gallery. The noble Marquess recommended their Lordships to acquiesce in the Commons' Amendment, and moved, to agree to the Commons' Amendments, and not to insist on Clause (F.), to which the Commons had disagreed.

The EARL of WICKLOW certainly thought the Amendments introduced by their Lordships improvements, but was not disposed to insist on them.

LORD MONTEAGLE urged the importance of establishing agricultural schools, and regretted that the House of Commons had not thought fit to give effect to their Lordships' intentions in that regard. He trusted, however, that the day was not far distant when those anomalous and overstrained ideas of privilege which forbade the House of Lords from entertaining any money questions whatever, would give way to a more rational practice. The noble Lord then proceeded to censure a practice which sometimes prevailed in another place, of making personal attacks against those who had no opportunity of answering them. Although he had been recently the object of such an attack, he certainly would not use the protection which he enjoyed, as a Member of their Lordships' House, for the purpose of retaliating, feeling that he should best meet the approval of their Lordships by not condescending to bandy words with an individual Member of the other House.

The MARQUESS of LANSDOWNE said, he thought the noble Lord had exercised the soundest discretion, and had best consulted his own dignity and that of their Lordships' House, by not replying to the observations supposed to have been made in another place. With regard to the schools to which the noble Lord alluded, he begged to say that the Government would be always ready to consider any suggestions which might be made to them on the subject.

The EARL of DEVON advocated a strict adherence to the Orders of the House in reference to words spoken elsewhere, and lamented the departure from those Orders which had been observable of late years.

Motion agreed to.

LANDED PROPERTY (IRELAND) BILL.

The **Marquess of LANSDOWNE** moved not to insist on the Amendments to which the Commons had disagreed, and to agree to the Amendment made by the Commons to the Lords' Amendments in Clause (A.) There certainly was one—the most important of their Lordships' Amendments—rejected by the other House, the loss of which he deeply regretted; he alluded to the clause allowing the grants of public money to extend to the erection of mills and other buildings; but still, under all the circumstances of the case, he recommended their Lordships to agree to the Bill in its present shape.

Lord MONTEAGLE also expressed his regret at the omission of the clause referred to by the noble Marquess.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Thursday, June 3, 1847.

Minutes.] Public Bills.—1° Baths and Washhouses.

2° Highway Rates; Stage Carriages, &c. Duties; Soap Allowances.

Reported.—British American Land Company; Van Diemen's Land Company; Quakers' and Jews' Marriages; Juvenile Offenders.

Petitions Presented. By Mr. Ewart, from different places in the Colony of New South Wales, against the Renewal of the present System of Transportation.—By Sir B. Hall, and Mr. Masterman, from several places, for Regulating the Qualification of Chemists and Druggists.—By Mr. P. Howard, from Catholic Clergymen and Laymen of Wigton, and Sir R. Peel, from Everingham, for Alteration of the Proposed Plan of Education.—By Mr. C. Buller, from Liskeard, in favour of the Health of Towns Bill.—By Mr. Clive, from two places in Shropshire, and Mr. Hawes, from Members of the Royal College of Surgeons of England, and Licentiates of the Society of Apothecaries, London, in favour of the Medical Registration and Medical Law Amendment Bill.

THAMES CONSERVANCY BILL.

Mr. WARD moved the consideration of the Report on the Thames Conservancy Bill.

On the Question that the Amendments made by the Committee to the Bill be read a Second Time,

Sir R. H. INGLIS, was aware that the consent of the Crown must be obtained to this Bill before it could be submitted to Parliament; and he wished to ask whether the law officers of the Crown had advised Her Majesty to surrender the rights of the Crown affected by this measure to a private body to be appointed under the Bill. From the time of Lord Hale, there had been no doubt that the Crown was entitled to the soil of the rivers of this country. He did not deny that the corporation of London possessed, and had continually exercised, jurisdiction upon the waters of the Thames; but he was not aware that the Crown had ever parted with its right to the soil; and he wished to know whether the law officers of the Crown had advised Her Majesty to abandon that right?

The **ATTORNEY GENERAL** replied, that he had felt it his duty to advise Her Majesty to assent to this Bill. It was true that, *primâ facie*, by the law of England, the land between high and low water mark belonged to the Crown; but it was not so clear in whom the right to the soil of the river Thames was vested. The subject had been brought before the Master of the Rolls; but, although decisions had been given upon points of form, no judgment had been given upon the merits of the question. He was perfectly satisfied that the course proposed to be taken under this Bill would be most beneficial to the public.

Mr. HUME expressed his approval of the objects of the Bill. There was little probability that the suit now pending between the corporation of London and the Woods and Forests would be determined within twenty years; and the question arose whether the impediments to the navigation of the river Thames ought to be permitted to exist until that suit was decided? This Bill proposed to make over to a board, to be called the Conservancy Board, all the powers possessed by the Crown, by the corporation of the city of London, or by any other parties, with regard to the conservancy of the Thames, in order that that board might take measures for removing impediments to the navigation. By this Bill, every shilling that could legally be applied to the improvement of the Thames would be placed under the administration of the Conservancy Board. He considered that the measure was of the utmost importance to the trade of London; he fully approved of the objects of the Bill; but he did not concur in the system by which it was proposed to carry out those objects. The Bill provided that the Conservancy Board should consist of nineteen persons, who were to be exclusively aldermen and common councillors. He (Mr. Hume) had recommended, in Committee, that the number of the Board should be reduced to twelve, and that it should comprise eight members of the corporation of London—three aldermen and five common councilmen; and four members to be appointed by the shipping and commercial interests. He moved as an Amendment, that the Bill be recommitted, for the purpose of attaining the objects which he had in view.

MR. WARD said, that the object of the Bill was the public advantage. It might be possible to have a better board by joining to it the representatives of the different interests referred to by the hon. Member for Montrose; but the House must recollect that they had to deal with a case where the conservancy of the river Thames had been invested in the corporation of London from time immemorial; and under the provisions of the present Bill they had undertaken to remove shoals at an estimated expense of 100,000*l.*, and to widen and deepen the navigable channel at an expense of 350,000*l.* on the whole. So long as there was a divided authority, no one would undertake to remove the shoals, or to make the necessary improvements. The Bill would leave all the legal rights of the different parties as they stood at present.

The EARL of LINCOLN said, that there could not be two opinions with respect to the object of the Bill, for every one must be sensible of the importance of any measure to effect an improvement of the present bad state of the Thames. He had on a former occasion stated to the hon. Member for Montrose that he would not object to a commission of persons representing the interests both of the city and the Crown, but he did not approve of the plan suggested by the present Bill. He had, in 1842, proposed an arrangement for the conservancy of the river Mersey, and since then all the disputes of the conflicting parties there had ceased. He was adverse to such a board of conservancy as was proposed to be appointed by the present Bill, which he feared would give rise to jealousies and difficulties never to be overcome. He was confident that the proposed plan would never give satisfaction; and that the Board would be regarded with distrust and disfavour by the commercial and shipping interests. Neither did he entirely approve of the plan of the hon. Member for Montrose; but, deeming that the lesser evil of the two, he should support the hon. Member's Motion.

VISCOUNT MORPETH, when he came into office, found the suit acting as a complete impediment to improvements which had been recommended. It was stated by Mr. Pemberton, the Solicitor to the Office of Woods and Forests, that the suit might last five years; that the demurrer of the corporation had been overruled by the Master of the Rolls, but that the corporation had appealed to the House of Lords, and that, assuming the judgment to be affirmed, and the corporation to have to answer the information, issues at law would probably be directed when the cause came on to be heard, and application would most likely be made for a second trial of those issues. Now, though he (Lord Morpeth) believed that the right of the Crown was perfectly legitimate and well-founded, yet the claim for any profits in consequence of that right was never formally preferred till three or four years ago, and the amount was stated not to have exceeded 1,400*l.* or 1,500*l.* in any one year; and at the same time it was declared by the city, that the abeyance of this sum and the existence of this suit prevented the carrying into effect those improvements which they stated they should otherwise be disposed to accomplish. It seemed quite fair and proper that funds derived from the shore and soil of the Thames should be applied for the improvement of the navigation and the accommodation of trade. Experience had certainly failed to prove that there were any means of compelling the city to undertake the operations which were thought necessary; but they now came forward and offered to raise upon their own credit almost an enormous sum of money to carry them into effect. He (Lord Morpeth) had left it to the Admiralty to settle the details of the Bill, and they had consulted those to whom they were accustomed to defer, and were informed that the improvements proposed under this Bill were such as were material and necessary. The Board of Conservancy would be charged with the duty and responsibility of carrying those improvements into effect; and a superior Board of Control was to be instituted—to which the city consented—framed in very close accordance with the Board instituted by the noble Earl (the Earl of Lincoln) for the river Mersey. The three superior members of that Board were the First Lord of the Admiralty, the First Commissioner of Woods and Forests, and the Chancellor of the Duchy of Lancaster; and the only difference in the present case was in the substitution of the President of the Board of Trade for the Chancellor of the Duchy. It was not likely that the sums to be received under this Bill would be more than sufficient to defray the expense of the operations which the city had by the Bill bound themselves to undertake; but the details of the expenditure would be laid before Parliament; and if any surplus should arise in the course of years, Parliament would then be called upon to adjudge its application.

Mr. T. DUNCOMBE always looked with considerable suspicion upon any measure that emanated from the corporation of the city of London. How could the House consent to such a Bill as this, with the praiseworthy example in the case of the Mersey held out to them? What power would the superior Board have to control the aldermanic board? The Bill would give taxing powers to the extent of 350,000*l*. Why was this to be considered a private Bill? It was a public measure, affecting the port of London, and thereby the commerce of the country, and ought not to be referred to the Admiralty and a set of aldermen.

Mr. W. WILLIAMS thought there should be an efficient body to manage the navigation of the river, and the merchants and shipowners ought to have a voice in the election of that body. Neither the Court of Aldermen nor the Common Council included leading merchants or shipowners. Every shipowner complained of the present system of management. The Government, with right principle on their side, would not find the corporation of London so powerful as they imagined.

Mr. Alderman COPELAND thought the Government had taken a wise course in making this compromise.

The House divided on the question that the words proposed to be left out stand part of the Question:—Ayes 65; Noes 71: Majority 6.

List of the Ayes.

Allix, J. P.
Arkwright, G.
Baine, W.
Barclay, D.
Barnard, E. G.
Berkeley, hon. Capt.
Boyd, J.
Buller, C.
Busfeild, W.
Colebrooke, Sir T. E.
Copeland, Ald.
Dawson, hon. T. V.
Denison, J. E.
Duke, Sir J.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Escott, B.
Ferguson, Sir R. A.
Frewen, C. H.
Fuller, A. E.
Gibson, rt. hon. T. M.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hanmer, Sir J.
Hatton, Capt. V.
Hill, Lord E.
Hodgson, R.
Howard, hon. C. W. G.
Howard, P. H.
Humphery, Ald.
Labouchere, rt. hon. H.
Lemon, Sir C.
Lyall, G.
Lygon, hon. Gen.
Marjoribanks, S.
Masterman, J.
Maule, rt. hon. F.
Milnes, R. M.
Mitchell, T. A.
Molesworth, Sir W.
Monahan, J. H.
Morpeth, Visct.
Ogle, S. C. H.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pattison, J.
Philipps, Sir R. B. P.
Plumridge, Capt.
Rich, H.
Rolleston, Col.
Ross, D. R.
Sheppard, T.
Smith, A.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Staunton, Sir G. T.
Stuart, Lord J.
Strutt, rt. hon. E.
Trelawny, J. S.
Troubridge, Sir E. T.
Tufnell, H.
Turner, E.

TELLERS.

Cowper, hon. W. F.
Ward, H. G.

List of the Noes.

Adare, Visct.
Aglionby, H. A.
Austen, Col.
Bailey, J., jun.
Baillie, H. J.
Bankes, G.
Barrington, Visct.
Bentinck, Lord G.
Bowles, Adm.
Bowring, Dr.
Bramston, T. W.
Broadwood, H.
Brotherton, J.
Bruce, C. L. C.
Cardwell, E.
Carew, W. H. P.
Carnegie, hon. Capt.
Clerk, rt. hon. Sir G.
Clive, hon. R. H.
Collett, J.
Deedes, W.
Dickinson, F. H.
Divett, E.
Douglas, Sir C. E.
Drummond, H. H.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Estcourt, T. G. B.
Evans, W.
Ewart, W.
Forster, M.
Gladstone, Capt.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Hall, Sir B.
Hamilton, W. J.
Harris, hon. Capt.
Hughes, W. B.
Inglis, Sir R. H.
Irton, S.
Johnstone, Sir J.
Knight, F. W.
Law, hon. C. E.
Lefroy, A.
Liddell, hon. H. T.
Lincoln, Earl of
Lowther, hon. Col.
Mackenzie, T.
Mahon, Visct.
Manners, Lord J.
Maunsell, T. P.
Morris, D.
Muntz, G. F.
Pakington, Sir J.
Peel, rt. hon. Sir R.
Philips, G. R.
Prime, R.
Russell, J. D. W.
Somerset, Lord G.
Spooner, R.
Thornely, T.
Vernon, G. H.
Walker, R.
Wawn, J. T.
Wortley, hon. J. S.
Wrightson, W. B.
Yorke, H. R.
Young, J.

TELLERS.

Hume, J.
Williams, W.

Bill to be recommitted.

PORTUGAL.

Viscount PALMERSTON presented to the House, by command, a copy of the Protocol of a Conference relating to the affairs of Portugal.

Mr. HUME asked whether the Chancellor of the Exchequer would move a Committee of Supply to-morrow (Friday) night, to enable him to bring on the Motion of which he had given notice?

The CHANCELLOR of the EXCHEQUER said, he could only repeat the statement which had been made by his noble Friend the First Lord of the Treasury, that Her Majesty's Government felt it desirable, not only on their own account, but on account of all the parties who were likely to take a share in the discussion, that the House should be in possession of all the papers before the discussion took place. He hoped that the papers would be presented to the House by Monday. To-morrow night he intended to move the third reading of the Loan Discount Bill before the other Orders. As soon as the papers in the case of Portugal were before the House, he should move a Committee of Supply for the purpose of giving his hon. Friend (Mr. Hume) the opportunity of bringing forward his Motion.

Mr. BAILLIE said, that the absence of the papers might be a disadvantage to the hon. Member for Montrose; but it could be none to Her Majesty's Government, who were in possession of all the information on the subject, and could as readily take the discussion to-morrow as any other day.

Mr. HUME would bring forward his Motion in the event of a Committee of Supply being moved.

Viscount PALMERSTON could only say that every exertion was making and should be made to have all the papers laid on the Table as soon as possible.

Mr. BORTHWICK remarked, that when he saw the noble Lord (Lord Palmerston) lay a respectable-looking packet of papers on the Table, he was in hopes it was the papers on this question. It appeared, however, he was mistaken. If the noble Lord was to present a large blue book for their perusal on Monday morning, he (Mr. Borthwick) feared there would not be time for them to read it before the discussion.

Sir R. PEEL said, it would be inconvenient that it should be left in a state of uncertainty whether this subject was to come on on Monday night or not. If the papers were voluminous, he did not think, considering how many members were on Committees, that it would be possible to read the papers with that attention which a matter of such great importance deserved, if they were not delivered until Monday, and the discussion should take place on Monday night. He thought the best plan would be to wait until to-morrow, and then they would know whether it would be possible the papers could be delivered on Saturday night, which would make a material difference. To-morrow the noble Lord would probably be able to state when the papers would be delivered, and then they could settle whether the discussion should come on on Monday or Friday next.

Mr. HUME, under these circumstances, would wait till to-morrow.

Papers to lie on the Table.

PRISONS—CONVICT DICIPLINE.

Sir G. GREY, having moved the Order of the Day for going into Committee on the Prisons Bill, proceeded to speak to the following effect: I now rise for the purpose of moving that you leave the chair, Sir, in order that the House go into Committee upon the Prisons Bill. That Bill, and the Bill which stands next on the Orders of the Day, called the Custody of Offenders Bill, relate to the same subject, and form part of the general arrangements contemplated by Her Majesty's Government. Before I proceed further, it may be proper and convenient for the House that I should make a general statement on the present occasion of the objects which those Bills are intended to effect. The Prisons Bill proposes to constitute a new board of management for the three national or Government prisons of Milbank, Pentonville, and Parkhurst. By an Act passed in 1843 Milbank prison was placed under the management of a certain number of inspectors of prisons appointed by the Secretary of State. Those inspectors were authorized to make regulations for the government of the prison, subject to the approval of the Secretary of State. Milbank prison was also, by the same Act, constituted a depôt for the reception of prisoners from England, Wales, and Scotland, who were under sentence of transportation. The prisoners were sent to this prison after their sentences were passed, and previous to their being ultimately disposed of. Pentonville, by an Act passed in 1842, was placed under the management of a board of unpaid Commissioners, who were nominated by the Crown, not less than seven nor more than eleven in number. Two inspectors were also members of that board. Parkhurst prison, by an Act passed in 1838, was placed under the general superintendence of the Secretary of State, who had power to appoint a committee of visitors, with instructions to attend to the management of the prison, and to make stated reports to him. On this visiting committee were two inspectors and the Surveyor General of Prisons, who transacted the greater part of the business, and conducted all the correspondence. The first Bill placed all these prisons under one management; the composition of the board of management being similar in its main features to the present board for the management of Pentonville. The members of the board would consist of men of large experience, whose attention had been directed to the subject of prison discipline—men of weight and influence in the country. Experience having proved that it is impossible, in dealing with the management of an affair which required constant attention on the part of the superintending body, to rely on a board altogether composed of men who had other avocations to attend to, and whom you could not compel to give their attendance, it has been felt desirable to have one paid Commissioner, who will be required to give his whole time to the duties of the commission, to be in constant communication with the Secretary of State, and, in fact, to discharge all the duties which are at present discharged by the governor of Milbank prison and the inspectors of prisons. We also propose to introduce an alteration into the Bill since it came from the other House, owing to other proceedings which have been in progress since that time, namely, that the hulks and other places of confinement for convicts under sentence of transportation, shall be placed under the same board of management. I may remind the House, that the office of Superintendent of Convicts was abolished, immediately as regards the colonies, and prospectively as regards England, by an Act introduced last year by the then Secretary of State for the Home Department; but it was not then decided what alternative should be adopted for the discharge of the duties of that office, the decision being left in the hands of Government when the occasion should arise by the office being vacant. That office is now vacant by the retirement of the gentleman who has long filled it; and it is therefore proposed that the duties which have hitherto been discharged by the Superintendent of Convicts shall now be discharged by the proposed Commission, and that it shall be the board of management for the hulks and other similar places of confinement, the same as for the prisons of Milbank, Pentonville, and Parkhurst. I may here as well state, with reference to a possible objection that may be urged, of an increase of patronage under this measure, that the offices to be created by it will be merely substitutes for the offices abolished by the Bill passed last year to which I have already referred—that there will, in fact, be exactly the same number of offices, but existing under another name. The second Bill, entitled, "A Bill to Amend the Law as to the Custody of Offenders," proposes by the first clause to place the Irish convicts on the same footing as the English and Scotch with reference to transportation. The second clause proposes that offenders under sentence of transportation in Great Britain or Ireland may be removed from the county prisons in which they are severally confined to any other of Her Majesty's prisons or penitentiaries, by order of the Crown. I understand that there is some apprehension entertained with reference to the expense of this scheme. I shall abstain from entering into that point at present; but I hope that by the Amendments which I mean to propose in Committee, and by the explanations which I shall give, to satisfy hon. Members on the subject of the probable expense of the measure to the country. Having thus briefly stated the object of the two Bills, I come now to deal with the general question—and a more important question cannot be brought under the consideration of Parliament—I mean the subject of secondary punishments. I approach the subject with a deep sense of my own inadequacy to do it full justice—under a strong sense of its importance, and the difficulties by which it is surrounded. Of the importance of the subject, I believe every hon. Gentleman who hears me is fully persuaded; but of the difficulties of it no man can be fully aware whose attention has not necessarily been closely directed to, and who has not given the most careful consideration to the course which has been adopted with regard to secondary punishments of late years. I know that the hon. Member for Montrose (Mr. Hume) is disposed to treat this matter as comparatively free from difficulty—that he is prepared to tell us that prevention is better than cure—and that we ought to give the people a sound, moral, and religious education, in order to obviate the necessity for enactments of this kind in regard to prison discipline, as it is very much owing to want of education that there is so much disorder and crime in the country. I agree with the hon. Member as to the importance of education; but after the discussion which has taken place on that subject during the present Session of Parliament, I need say nothing in reference to it. The importance of the question was fully admitted, when this House, by a large majority, declared it was the duty of the State to promote the education of the people by every means at their disposal; but I am afraid that, whatever means we adopt for the education of the people, prisons will still be necessary—that it will still be incumbent on us to consider in what way we can best deal with criminal offenders suffering under the sentence of the law, and the best mode of discipline that can be applied to them. The great attention which has recently been directed to this subject, must certainly be a satisfactory feature in the present case. The great object is to combine, in any system of this kind, the deterring effect of punishment by the suffering and privation which are inflicted on the offender, with a view to that protection to life and property which society has a right to demand: the great object is to combine with that principle the other important principle of the reformation of offenders; and the difficulty with which Government always has had to contend, was in adjusting the balance between the two principles. The object, however, is one of such importance, that I think no Government should shrink from endeavouring, as far as possible, to carry it out in any system which they may propose with respect to secondary punishments. After the experience of the failure of former schemes—after the results of experience which the documents laid upon the Table of the House from time to time furnish of the various attempts which have been made by able men—by men who have devoted the greatest possible attention to the question, and who were actuated by the most humane, enlightened, and benevolent motives—I must acknowledge that we feel considerable diffidence in bringing forward a new scheme on this subject; but, although the plan of which I am about to state the outline to the House, and which we have adopted after giving it the best consideration in our power, may not be attended with all the beneficial results we might desire—it nevertheless, I trust, holds out the prospect of advantages such as have not attended any system hitherto tried. In stating this, I have no wish to claim undue credit for the present Government; it is the consequence of the circumstances of the time, which afford greater facilities for establishing a system of secondary punishments than at any former period of our history. Looking back to a more remote period than the last few years, I am afraid we must confess that little was done with the view to the reformation of offenders. It must be observed, too, that until of late years, almost all that ever was done in the way of the reformation of offenders was effected by the benevolence and zeal in the cause of humanity of private individuals, whose names will be enrolled in the pages of history as benefactors of the human race. It is unnecessary for me to mention the individuals to whom I allude; but there are two to whom, from the circumstance of their belonging to the other sex, I may be excused for referring: I mean Mrs. Fry, whose name will always be associated with the best efforts ever made for the reformation of offenders; and another woman, whose name, owing to the humble sphere in which she moved, has obtained less publicity, though her conduct was influenced by motives no less benevolent than those of the former lady, and whose philanthropic exertions were characterized with no less zeal and success—I allude to Sarah Martin. Whilst little was done by the State in the way of the reformation of offenders, the system of transportation seemed to afford a ready means of getting rid of them. I do not mean to say that the responsibility of the Government ended when criminals were sent from this country; but the sense of responsibility was weakened by their being removed to a distance. The means of acting on the responsibility that attaches to any Government with regard to the fate of criminals, is materially diminished when the criminals are, for purposes of punishment, sent to a distance. I cannot help remarking that nothing is more indefinite than the idea conveyed by the term "transportation." Few persons could ever know what would be the future condition of criminals who were sentenced to transportation. Deportation did not constitute the punishment, but on the criminal's arrival in the colony to which he was subjected to the loss of liberty, and compelled to undertake forced labour. When the present Government came into office last year, the question of transportation in connexion with secondary punishments forced itself on our attention. The question which demanded immediate consideration was whether, after the experience of successive attempts to carry on the system of transportation under different forms, as recorded in the results of that system which had from time to time been laid before Parliament, it was possible to continue it with a due regard to the reformation of offenders—with due regard to the interests of the convicts themselves, which every Government is bound to provide for—and, still more, with due regard to the interests of the colonial communities to which criminals were transported. On this point my opinion was clear. I had not the slightest doubt, whatever difference of opinion may prevail as to the course which it may be expedient to pursue hereafter, that some essential change was indispensable in the system heretofore pursued. Every precaution which has been taken to make the punishment of transportation productive of beneficial results, consistently with the deportation of criminals to another hemisphere, immediately after they were convicted and sentenced, has signally failed. It is unnecessary for me to refer to the earlier periods of the history of transportation. An able summary of the history of transportation is contained in the report of a Committee which sat in 1837 and 1838, and was presided over with great ability by the hon. Member for Southwark. That report gives the history of transportation from its origin with great clearness, and points out the evils which attach to the system of assignment. Convicts on their arrival in the colonies were deprived of their personal liberty and subjected to compulsory labour, not by the Government, but by a system of assignment to individuals. No attempt was ever made to answer the statement made in the report respecting the evils resulting from the system of assignment; and the consequence was the abandonment of that system, on the ground of its incompatibility with the object of transportation. The great objection to the assignment system was, that it was impossible to form any accurate judgment as to what the criminals would be, who, on their arrival in the colonies, were dispersed amongst different settlers. A convict who was utterly destitute of moral principle, if he happened to be educated, and could make himself useful to his employer, was as well or perhaps better off in the colonies than he was in this country previous to committing crime. He was able to acquire wealth; and it can hardly be said that he suffered any of the consequences which ought to attach to the commission of crime; the only difference, indeed, between his new and his former condition was, that he was unable to return to the land of his birth. On the other hand, there was a great difference in the condition of convicts employed in agriculture, which arose from the character of their masters. Many of those convicts were in a condition of absolute slavery, living under masters destitute of principle, and of tyrannical disposition. The only advantages resulting from the system of assignment was, that it tended to the dispersion of convicts, instead of bringing them together in large masses—a system which had been productive of such frightful evils. The report of the Committee of 1837-8 recommended that transportation to New South Wales should cease, and that compulsory labour and other secondary punishments in penitentiaries in this country should be substituted for it. These recommendations underwent the careful consideration of the Government, and were partly adopted. The assignment system was abolished shortly afterwards; and last year transportation to New South Wales ceased. Bermuda and Gibraltar were assigned as places to which convicts might be sent and kept to hard labour; and power was given to the Queen in Council to name other places for the same purposes. When my noble Friend at the head of the Government presided over the Colonial Department, he suggested various improvements in the treatment of convicts, in which he was ably seconded by Sir J. Franklin, the Governor of Van Diemen's Land, and Captain Maconochie. My noble Friend suggested that no convict sentenced to only seven years' transportation should be sent abroad, but that instead he should be kept to hard labour in this country; and if his conduct merited indulgence, he should, after a certain time, be liberated. My noble Friend also contemplated that penitentiaries, after the plan of the Model Prison at Pentonville, should be erected in various parts of the country. In consequence of the abandonment of the hulk system, an increased number of convicts was sent to Norfolk Island and Van Diemen's Land under new regulations. Sir J. Franklin at first thought that these regulations produced good results; but he subsequently saw reason to change his opinion, and in a despatch of November, 1842, he declared that the new system had far from realized his anticipations of the moral improvement of the convicts. The collecting of large masses of convicts in distant colonies, without an effectual separation of individuals, had produced a state of demoralisation which it was found these new regulations were inadequate to correct. Shortly after this, Lord Stanley, who was then Colonial Secretary, took the whole subject into consideration, and framed regulations which he thought calculated to correct the evils which had arrived at so frightful a pitch. In alluding to the despatch of Lord Stanley, or in anything which I may say respecting the failure of the transportation system, it is not my intention to cast the slightest blame on any one who has preceded me in my present office. It is impossible to read the voluminous papers on the Table of the House, without being satisfied of the anxious desire of all those who were responsible for this department of the public service to adopt the steps which they conceived would most conduce to the discharge of that responsibility, and answer the ends of secondary punishment. Lord Stanley, in a despatch to Sir John Franklin, having premised that it was not his intention to enter into any abstract or speculative inquiries on the subject of the punishment of crime, but only to state some broad conclusions necessary to render the more minute regulations intelligible, proceeded to observe—

> "Her Majesty's Government regard it as indispensable, that every convict transported, whether for a longer or a shorter period, should actually undergo that punishment without either pardon or mitigation for some predetermined period, bearing in each case a proportion to the length of the sentence. We further think that it should be reserved to the Queen herself to make any exception from this rule; and that the Royal prerogative of mercy should not be delegated to the Governor of the colony in such terms as would enable him to relax it. We do not, however, contemplate a state of things in which the convict, suffering under the sentence of the law, should ever be excluded from the hope of amending his condition by blameless or meritorious behaviour, or from the fear of enhancing the hardships of it by misconduct. On the contrary, to keep alive an invigorating hope and a salutary dread at every stage of the progress of the prisoner, from the commencement to the close of his punishment, appears to us to be an indispensable part of the discipline to which he should be subjected. Further, we contemplate the necessity of subjecting every convict to successive stages of punishment, decreasing in rigour at each successive step until he reaches that ultimate stage in which he shall be capable of a pardon either absolute or conditional, though not ever entitled to demand that indulgence of right. It is, moreover, our opinion that the transition from one stage of punishment to another less severe, should be withheld from any convict, who, by misconduct, may have forfeited his claim to such mitigation. On the other hand, we think that a course of meritorious or blameless conduct in any one stage, should entitle the convict in any future stage of punishment to such proportionate relaxations of the severity of his condition as may be compatible with his continuance in it; and that such good conduct should ultimately have a favourable effect whenever the question of granting a pardon may be ripe for decision. To these general principles it is to be added that in the case of certain classes of convicts sentenced to transportation for not more than seven years, Her Majesty's Government propose that the first stage of punishment should be undergone, not in the colony, but in a penitentiary in this country; and that the convicts should, at the expiration of a given time, be sent to the colony, there to enter on such stage of penal discipline as may in each particular case be indicated by the Secretary of State for the Home Department."

His Lordship then described five stages through which a convict would have to pass, on arriving at the colonies. The first stage was detention in Norfolk Island, applied to all sentences of transportation for life, and to the more aggravated cases of convicts sentenced for any term not less than fifteen years. Four years were fixed as the longest, and two years as the shortest, period of detention in Norfolk Island. The second stage of punishment was that of probation gangs, which were to be assembled in Van Diemen's Land. These gangs were to be composed, first, of those convicts who had passed through the period of detention at Norfolk Island; and, secondly, of convicts sentenced to transportation for less time than life, who might be indicated by the Secretary of State as fit to be placed in this class. No convict placed in the probation gang was to pass less than one, or more than two years there, except in case of misconduct. The third stage of punishment which the convict would have to pass through was on his becoming the holder of a probation pass, which he could obtain only on proof of having duly served in the probation gang, and a certificate of general good conduct from the controller of convicts. In this stage the convict might, with the consent of the Government, engage in any private service for wages. The fourth stage was where the convict might become the holder of a ticket of leave. The essential condition of this class was, that the convicts possessed what might be termed "a probationary and revocable pardon," valid in the colony in which it was granted, but of no avail elsewhere. The fifth and last stage which a convict could reach during his sentence, was that of a pardon conditional or absolute. This pardon might be granted either by the Queen directly, or by the Governor, in the exercise of the Royal prerogative, delegated to him for that purpose. I will now proceed to examine the results of this system, which forced themselves on the attention of the present, and obtained the serious consideration of the late Government. It is necessary to look to the question with reference both to moral and financial considerations. Lord Stanley stated in a subsequent despatch that he was justified in supposing, from the state of things at that time, that the colony was capable of supporting this system in a financial point of view. At that time the land sales were going on rapidly, and there was much capital in the colony. These statements were contained in a letter written in November, 1845, by the Under Secretary of the Colonies, by direction of Lord Stanley, to the Lords of the Treasury: it stated it had been represented to Lord Stanley that the demand for labour in the colony was such as to exclude any reasonable apprehension that the colony would not be able to support any number of free labourers. But experience has too fully demonstrated that the assumption was erroneous; the supply very far exceeded any demand that existed for labourers. Ample details are contained in the papers on the Table of the House, which fully justify the statement made by Lord Stanley in 1845. In consequence of the want of employment, and the inability to obtain their own livelihood, the convicts were thrown on the hands of the Government for support after the period at which they emerged from the first two stages of their punishment, when the Government had undertaken on its responsibility to dispose of them. The consequence of this was, in the exhausted state of the treasury of the colony, a great amount was taken from this country in order to satisfy a demand which the colony felt as an unjust pressure thrown upon its resources. This is the financial part of the subject; but the moral aspect of the question is far more important and far more formidable; but before I come to the more recent evidence on this point, I will just advert to another passage in the same letter of Lord Stanley to the Treasury, in 1845. He alludes to the representations that had been made from the colony as to the moral results of the system, and says that the contaminating influences at work among the convicts could not be contemplated without deep apprehension for its inevitable results. This subject underwent a careful consideration by Mr. Gladstone, who succeeded the noble Lord in the office of Secretary for the Colonies; and we have his deliberate opinion upon it, given two months after he assumed the office, and had had time to acquire full information as to the results of the system. In a letter written on the 13th of May, 1846, by the direction of Mr. Gladstone, to the Home Office, the question was brought under the consideration of the right hon. Gentleman (Sir J. Graham). Mr. Gladstone adverted to the defective character of the official reports with regard to the system, and—I need not quote the passage—to what he terms the singularly meagre details with respect to it forwarded from official sources. But in the meantime he says he has received other local accounts, which describe the system; and he concludes by hoping the Home Secretary would give the subject his early and anxious consideration, with the view of devising suitable employment and discipline for the convicts during the next two years. I wish the House to consider what was the state of things when the present Government succeeded to office, and had to deal with the question. In consequence of the communication between Mr. Gladstone and the right hon. Baronet (Sir J. Graham), it was thought essentially necessary to suspend transportation to Van Diemen's Land for a limited period of two years. In the concluding passage of Mr. Gladstone's letter, he hopes the Government will devise some measures that will enable him to assure those concerned that the matter will speedily be brought to an issue. Immediately after I entered office, I thought it my duty to devote my early and anxious attention to this subject, which had already begun to occupy that of the right hon. Baronet, who devoted to it greater ability, and would perhaps have dealt with it more successfully than I can pretend to do. While it was in course of consideration I received additional evidence from the colony, which, instead of shaking the conclusion I had arrived at, that it was necessary to suspend transportation to Van Diemen's Land, with the expectation of resuming it at the end of two years, made it absolutely necessary to break up the convict establishment at Norfolk Island, and resume the system of sending the convicts immediately to their place of destination. I need not endeavour to prove what I believe no attempt has been made to dispute; and I hope I need not read from papers before me a long series of facts, which must convince the House some essential and radical change in the system is imperative. I will not advert to the frightful amount of crime that has grown up under the former system, the necessary result of aggregating together large masses of convicts in a distant colony, where the Government has little control; those effects are indisputable, and are the necessary result of the system of that time. But I will just advert to a remarkable document, the report of the Committee of the Legislative Council of New South Wales, contained in the papers presented on the 15th of April last. The suggestion of resuming the practice of transportation to the colony had been made in a despatch of the right hon. Gentleman (Sir J. Graham), but it was thought the colony should be consulted, and the report was made. It stated that the Council itself would not have negatived the proposal; but the general sense of the colony was against it under any modification whatever, and they protested against it emphatically, denouncing the probation system as rife with evils fatal to society, corrupting and contaminating it. It is impossible to look at all the documents without seeing how strongly the proposal is denounced by all who have had an opportunity of judging of the community which has suffered from these evils. In another part of the report they protest against the re-introduction of convicts, in the probationary gangs. Mr. Pitcairn said—

> "Without looking at the consequences to others, look at the convict himself. He is sentenced in England for a crime against English law. He is then put in a gang at Norfolk Island, Port Arthur, or Van Diemen's Land, where he is taught vices that he never before heard of. Is there not under the law of God a heavier crime committed against the convict than he has himself committed?"

Another document quite confirmatory of this evidence is the Fourth Report of the Pentonville Prison Commissioners, in which they state that the prisoners landed in Van Diemen's Land had soon had the benefit they derived from the discipline and teaching of that prison effaced from their minds, and they were induced to recommend that no more prisoners should be sent to Van Diemen's Land. All the other evidence contained in the papers confirms the information which reached the Government soon after its accession to office; and it convinced the Government of the absolute necessity of the breaking up of that establishment at Norfolk Island. In anticipation of that decision, Mr. Latrobe, acting governor of Van Diemen's Land, on his own responsibility, forbade ships arriving from England to land any more convicts there; and in that decision he was completely justified. Then came other accounts of outrages and murders among the convicts, and the capital punishments that followed, and which were absolutely necessary to prevent the recurrence of crimes which were a disgrace to the British name. There were many passages in the papers which those gentlemen who may take part in the discussion will have read for themselves; among them, however, is one to which I would call their attention, a letter from the Bishop of Tasmania to Lord Stanley, enclosing a petition signed by twenty-five of the colonial clergy, praying for the abolition of the probation system, on the ground that throughout the colony unnatural crimes were committed among the probation gangs to a frightful extent. About 25,000 persons signed that petition; and the letters to which the Committee alluded, accompanying the address, were from several clergymen, who, if not signing the document, gave their reasons for refusing to do so. They did not, however, disapprove of the course taken; they acknowledged the fearful extent of the evil; and while stating that the question was mixed up with matters with which they objected to interfere, they expressed a very decided and explicit concurrence in the general allegations of the address. I now come to the decision at which the Government, with these facts before them, have arrived. Their decision simply is, that the first part of the penal sentence of transportation shall be passed, not in those distant colonies where we are necessarily unable to exercise the required vigilance and indispensable superintendence; but that the first part, the strictly penal part, shall be passed in the prisons of this country, or within such a distance from this country as to be free from those very serious evils which hitherto we have found inseparable from the aggregation and collection of a large number of criminals in Van Diemen's Land. I now speak of the essentially penal discipline, after which, under certain circumstances, the prisoner may reach the condition of a holder of a ticket or free pass. We do not propose materially to affect the latter part of the sentence. What we do propose is, that the early part of the punishment—that period when severe penal discipline must be enforced—should partake, as much as shall be found possible, of a reformatory character. We purpose that, during this period, that system of the Penitentiary should be made applicable to all those convicts who, from age or from other circumstances, are likely thereby to derive an advantage or to be improved. I mean, when I say this, the ordinary class of convicts. I think it is very desirable that there should be a class, such as that of which the majority of convicts consists, to whom the hope shall be held out, that by their conduct and good behaviour, and obedience to discipline when in confinement, they may become entitled, on being sent abroad, to conditional pardons, relieving them from the necessity of undergoing the subsequent stages of their sentence. The intention is, that at the expiration of a limited period of separate confinement, the convicts shall be employed in this country, at Bermuda, or at Gibraltar, on public works, subject to a management, to which I shall presently advert, the effect of which, we anticipate, will be to prevent those evils which hitherto have attended the system where convicts have been banded in large numbers together; and if, after this period, the sentence of transportation remains still, we propose that they shall be removed to the Australian colonies, and that there they shall be placed in the same position as the prisoners now emerging from the second class of punishment—with this exception, that instead of having undergone a process which has been demoralising to an appalling extent, they shall have reaped benefit from a system conducing largely to moral and mental improvement. The plan now about to be adopted of sending convicts out to Australia, with tickets of leave or conditional pardons, has been suggested by the Committee of the Council of New South Wales. Their recommendation was, that a system should be established under which convicts could still be sent out to New South Wales as holders of tickets of leave, being free, within certain limits, to render their labour available to their own maintenance. If accompanied by free emigrants, by their wives and families, it was thought that, in that case, it might be desirable to send them out; and the Committee of the Legislative Council seemed to be of opinion that there would be every probability of their becoming good and useful members of society. [Sir J. PAKINGTON: How long would that secondary stage be?] That will depend on the age of the convict, and I will come to that point immediately. We do not propose that actual debarkation shall take place while the prisoner is being subject to penal restraint; but that, on his arrival at the colony, he shall be a free man, within limits assigned by the ticket of leave; and that he shall be uncontrolled in the free exercise of his labour; and that eventually he shall entitle himself to a pardon. Thus, effectually, the object of diffusion instead of aggregation of convicts will be attained; and thus we shall get rid of those evils and mischiefs which have characterized the system of assignment and the system hitherto resorted to. In answer to the question which has been put to me by an hon. Member, as to whether or not it is the intention of Government to resume transportation to New South Wales, I can only say that it is not our purpose to pursue that system in the spirit in which, hitherto, it has been pursued. It is not our intention, either in Van Diemen's Land or New South Wales, to resume that system denounced by the Committee of the Legislative Council; and with regard to transportation to New South Wales, that will depend very much on what may hereafter take place. At present, it is a place to which convicts cannot with propriety be transported. On this subject, I may quote the report of the Committee of the House of Commons, dated 1832, appointed to inquire into the best mode of giving efficiency to secondary punishments. The report says, that the Committee cannot recommend the abolition of the convict establishment; that hitherto, mere transportation had not been found sufficient to deter from the commission of crime; that no system inflicting adequate punishment, could be adopted in the penal colonies, without entailing a vast expense upon the country; and that, therefore, the more exclusively penal part of the sentence should be inflicted previous to the convict being sent out of the kingdom. The Committee represented that, as the Penitentiary was not sufficiently large to contain all those, even for limited periods, sentenced to transportation, a system of hard labour in the dockyards and arsenals would be desirable; and they expressed an opinion, that such a system would return to the country the cost incurred in maintaining the convict, and would, at the same time, tend to the improvement of the individual. They admitted the vicious state of society which transportation produces; they admitted also, that transportation might be made to answer its professed object, if, on arriving at the settlement, the convict were placed in the road gangs, and compelled to go through severe labour; but they pointed out, that the result would be still more to deprave each member of the gang: and they argued that, if convicts were thus employed by the Government, the colony would be injured, inasmuch as public works might be undertaken, if by contract, at a far cheaper rate. The system thus suggested was tried, and such was the result which attended the attempt. The prediction of the Committee was verified, after the experiment had been made, in every particular. The allusion of the Committee to the inadequacy of the accommodation at the penitentiaries for the number who were under sentence of transportation, was fully founded in fact, even as regarded the first period of the penal punishment; but the facilities which now exist, as I have already said, are much greater. Pentonville has since been built (I think in 1842) for the reception of 500 prisoners. The prison at Perth has also been opened since that period, and has for some time been appropriated to the reception of prisoners, and, at this moment, arrangements are in progress for the erection of prisons of a similar character in Ireland. The greatest improvements have recently been suggested, and carried out in the county and borough prisons in different parts of England; model prisons have been in operation, and the prisons lately built, have all been on that model, while in those of older date extensive alterations have been made, with a view to the adoption of the same system as that pursued in Pentonville. We have now, too, as an additional aid to assist us in the solution of the difficult problem, the actual experience at Pentonville. The hon. Member for Montrose (Mr. Hume), the other night, in the course of the discussion which took place on the estimates, seemed to entertain very considerable doubts as to the success of that system. I am ready to admit, with him, that the time during which the experiment has been tried, has been, as yet, short. If he asks what has been the result—what has been the success—he can only expect an answer dependent on the limited opportunity we have hitherto had. And I must say, that the result, so far as it has gone, is of a most cheering and satisfactory kind. The hon. Member expresses an opinion, that we are not in a position to judge of a convict while he is in prison; that we can only judge of him, and of the effect which the system we adopt has had on him, after he has arrived at his destination. The evidence of which we are in possession on this subject, is small, because of our brief experience; but, so far as it goes, it is satisfactory. I will read to the House the last report of the Pentonville Commissioners, laid on the Table some short time ago, which is, as I may say, a summary of the progressive opinions at which previously the Commissioners had arrived. The report consists of extracts from different annual reports, referring to the effects of the discipline on the convicts, either during their probation in this country, or on their passage to the colonies. They recapitulate the declaration previously made, that there existed abundant proof of the religious and moral improvement of the prisoners; they state that the corrective influence of the discipline had been strictly maintained, without being sacrificed to the objects of reformation; and, without any hesitation, they express their satisfaction at the results. In the report of 1844, they expressed an anticipation that the system of separate confinement would effect a most salutary change in the characters of criminals, and would be most beneficial, in holding out the probability of reclaiming the offender: they concluded their fourth report with a statement that the experience of another year had confirmed all their hopes; and in the report of this year they say—

> "On reviewing these opinions, we feel warranted in expressing our firm conviction, that the moral results of the discipline have been most encouraging, and attended with a success which, we believe, is without parallel in the history of prison discipline."

They refer to the specific reports of the medical commissioners to show that, as regarded the mental and bodily health of the convicts, the system had also worked admirably. They say (and in this I quite concur), that in carrying out a system of separating one prisoner from another, it is indispensable to secure a constant and vigilant medical surperintendence, and those mitigations of absolute solitude which hitherto had operated so beneficially, What they mean by "mitigation" is, access to moral and religious instruction, and that constant employment which would interest and occupy the mind.

> "If these preventions are attended to," say the Commissioners, "we have no doubt that great public advantage would result from the general application of this modified system of separate confinement; for, whilst we believe that it is open to no objections which are not applicable to every other mode of imprisonment for long periods, we are confident that it affords moral advantages which no other can secure."

Such is the important, deliberate opinion of the Pentonville Commissioners; and I think it right to call the attention of the House to the fact, that among the signatures appended to this report are the names of Sir B. Brodie and Dr. Ferguson, gentlemen to whose authority, I have no doubt, the House will attach great weight. These gentlemen have not thought it consistent with their other duties to continue to be longer members of the Commission. I have received information that another arrangement has been made; and, though they will still permit their experience to be made available to the insuring the good management of the prison, they will not be called upon to take part in those general duties which devolve upon the Commission. In giving the reasons which have induced them to retire, they state that they have come to the conclusion that the separate system, regulated as at Pentonville, may be made a great instrument of good. They are further of opinion, that—

> "Wherever the separate system may be adopted, it will require not only a constant vigilance, but the exercise of a very sound discretion on the part of those to whom it is intrusted, especially of the governor, the chaplain, and the medical attendants; and we apprehend that wherever these are wanting, the attempt to carry it into execution will terminate in disappointment."

I have now laid before the House the collective opinions of the Commissioners, and the individual opinions of Sir B. Brodie and Dr. R. Ferguson; and I think these opinions are entitled to all the greater credit, because, while not underrating the advantages of the system, they point out those alleviations which will always be absolutely indispensable to solitary confinement. In a former part of the same report, the Commissioners speak of an application having been made from Lieutenant Colonel Clarke, Governor of Western Australia, requesting a supply of labourers from Pentonville; and it appears that not the slightest difficulty had arisen in the way of the exiles finding, on their landing, immediate employment; their conduct, it subsequently proved, was excellent, their habits regular, and they showed themselves free from that vice of intemperance which is generally found to characterize those who obtain indulgence. Very few instances, the official letters declare, have occurred of Pentonville exiles committing crime after they had arrived in the colony. Such is the testimony on which the Government has relied; and I think, so far as it goes, I was justified in the assurance which I gave the other night, that when the time came I should demonstrate that the system had succeeded. Mr. Latrobe, in a letter announcing the arrival of the last ship with exiles at Van Diemen's Land, states, that his close and constant attention will be given to the conduct of those persons in the colonies; and I have reason to hope that the results will justify the indulgence which has been extended to them. I do not quote any description of the system of separate imprisonment, because I have proceeded on the assumption that the general details of the practice at Pentonville are fully understood by the House. I will now call the attention of the House to a document of the greatest interest—a copy of the report of a special committee, presented by M. de Berenger to the Chamber of Peers of France. It is a very ample and valuable report; it enters fully into those considerations which must receive attention preliminary to the adoption of any system of secondary punishments; and it discusses fully the comparative excellence of the arrangements in the separate system as conducted in America, at Pentonville, and in various countries in Europe. They examined every alternative which presented itself for the punishment and reformation of offenders against the law, having kept those two very different objects distinctly in view; and they arrived at a positive recommendation to the Chamber to adopt the system of separate confinement in France with regard to all classes of criminals. There are certainly cases to which the principle could not apply; but, in admitting that, I concede only what is true of every system. Transportation, it sometimes happens, is altogether inoperative as a punishment. It is only the other day I read a letter from a learned Judge, informing me that, at the last assizes at which he had presided, he had found a large number of offenders, whose crimes called for a very heavy punishment, not at all fit to be transported; and he applied to me to know how otherwise they could be disposed of. Whatever mode of punishment we adopt, we cannot avoid meeting with exceptional cases. With regard to those cases disqualified for transportation, the greatest difficulty has from time to time been experienced. But as regards the great mass of offenders, I think the evidence now before us will warrant us in passing on them, as a body, the sentence of solitary confinement; and it will be the duty of the Government to see that the sentence is executed with all those precautions which have been recommended by the eminent medical gentlemen from whose letter I have quoted, and which, I think, are undoubtedly essential to the success of the system. The term which we propose for the first stage of punishment, will vary from six to eighteen months. In the opinion of the Commissioners, eighteen months is the fullest period to which, in ordinary cases, this punishment ought to be extended. There will arise many cases which will require the utmost watchfulness on the part of the governor, the chaplain, and the physician; and they will always be enabled to exercise their discretion, if it should be found necessary to limit or curtail the original sentence. The average period of confinement would be twelve months, subject to particular considerations. With reference to the accommodation required for carrying out the plan, there are 500 cells in Pentonville prison where the punishment can be inflicted; and, by another Bill now before the House — the Custody of Offenders Bill — Her Majesty's Government will be able to avail themselves of any spare room which may exist in other prisons throughout the country. Considerable alarm has been expressed in counties as to the expense which may be entailed upon them in carrying out the system; but any such alarm is groundless, as it will be provided by a clause which is to be afterwards introduced, that any extra expense incurred by the retention of prisoners in county gaols shall be borne, not by the counties, but in the same way as the cost of transportation is now paid. In furtherance of the plan laid down in the measure now before the House, preparatory steps have already been taken by the Government, to the extent, at least, of sending circulars round to the counties, to ascertain what spare accommodation there is in the various prisons. In the new prison at Wakefield, greatly increased accommodation has been provided. A communication was some time since received from the magistrates, stating that they were anxious to know on what terms the Government wished to obtain the accommodation, and an arrangement has been made that will not only be economical to the Government, but well calculated to advance the object they have in view. The opinion of persons competent to judge is, that it is a prison admirably constructed and fitted for the purpose; and it has been resolved by Government to avail themselves of two wings which have been added, and which contain about 400 cells. I may also instance Reading gaol, where increased accommodation will be obtained; and I may state generally that six months' notice has been given in all cases to provide the increase of accommodation deemed necessary. In Reading a mutual arrangement will be come to by Government and the magistrates as to the additional cost incurred; and perhaps I may be permitted to observe, with reference to all these arrangements, that Her Majesty's Government is most anxious to act fairly towards all parties, and that there is not the slightest disposition to drive a hard bargain with any of the local authorities interested in the new arrangements. I now come to the second stage of punishments to which it is proposed to subject the prisoners; that second stage being employment on public works, such as harbours of refuge, fortifications, and the like. On this point I cannot express myself more clearly than in the terms of the letter to which I have already more than once referred. [The right hon. Gentleman here read a quotation from the letter, to the effect that on the expiration of the period of separate imprisonment, the prisoners would be sent to Milbank, and thence, according to the circumstances of their respective cases, either to Bermuda or Gibraltar, or other places which may be appointed out of England, or to employment on public works in this country, such as the construction of harbours of refuge or other works under some public department.] Before entering on the second stage of punishments, the convicts must pass through a course of separate imprisonment, accompanied by a system of moral and religious instruction, and of industrial training, which it is hoped will in most cases be attended with a beneficial effect on their character, and prepare them for that intercourse with their fellow-prisoners which is inseparable from their employment on public works. While in this stage of their punishment, care will be taken to provide them with proper accommodation, efficient superintendence, and adequate means of moral and religious instruction; and it is intended that incentives to industry and good conduct shall be furnished by adopting, with such improvements as experience may suggest, the system recommended by Colonel Reid, the late Governor of Bermuda, and already partially tried in that island with considerable success. This system is in principle that so ably advocated by Captain Maconochie; the convicts work by task; but the labour is not exacted by the mere influence of fear or coercion, as in the case of slave labour; motives of a higher class being called into action by the offer of advantages, both immediate and prospective, to the industrious and well educated. I am well aware of the difficulties that will attend carrying out the second stage of punishment. No system that can be proposed will be perfect; and the suddenness with which this change has come upon us, leaving no time to make all the preparations necessary, will occasion considerable inconvenience in carrying it into effect. Of course, in working certain portions of the plan, the hulks could be made available. I do not see the hon. Member for Finsbury (Mr. Duncombe) in his place; but in stating that it would be necessary materially to increase the number of prisoners in the hulks, I may take the opportunity of saying, that the fullest investigation has been made into the allegations brought forward by the hon. Gentleman in the early part of the Session. I then expressed my disbelief in many of his charges, and, agreeably to the promise then made, I have caused full inquiry to be made into the facts, and only yesterday a report was sent to me by Captain Williams: that report is very voluminous, and I have not yet had time to read it; but I have no hesitation in saying, that there is ample ground for many of the statements which the hon. Member brought forward as to the abuses existing in the hulks. Without saying one word to cast discredit on the officer who has charge of that establishment, I must say that the thanks of the House are due to the hon. Member for having called the attention of the House to the subject. As I have already observed, I have not yet perused the report on this subject, but I will lose no time in doing so, with a view to the adoption of such practical results as may be found necessary. The House on a former evening sanctioned a vote of 25,000*l*. for the erection of convict barracks in Portland, suited to the reception of prisoners. This subject was then alluded to by an hon. Gentleman opposite, who was in office in July last, and who stated that he thought it essential to avoid the evils arising from the aggregation of convicts, by a sufficient separation, and that temporary buildings might be made which would effect the object at a small expense. The erection of such separate establishments is, I may state, already resolved upon; and I have been in communication with Colonel Jebb on the subject, with the view of getting the sanction of the House to the arrangement. A plan of buildings for erection at Portland has been prepared, and measures will be taken to secure a contract with the person by whom the plans had been made for erecting temporary buildings capable of being removed to another site when such is found necessary. By this arrangement a very short time will elapse when 300 convicts may be located at Portland in these temporary buildings; and this, I trust, will suffice for carrying out to a considerable extent the separate system. An hon. Gentleman opposite asked me how long this system would continue on the public works? Now that must depend upon the term of the sentence, which may vary from seven to ten and fifteen years. But it is intended at the same time to adopt the principle which has been ably advocated by Captain Maconochie; and I cannot here help bearing my testimony to the very valuable information which that gentleman has collected, as well as to the able suggestions which he has made on this subject. Those suggestions related to the conduct of the convicts, and the rewards which should be held out to the industrious and well-conducted. Now, it is intended that in cases where a convict conducts himself well and industriously, he shall be entitled to his release at an earlier period than that to which he had been originally sentenced. [Sir J. PAKINGTON: I presume there is to be a maximum period.] I have already said so. Supposing that a convict conducts himself well at what are generally called the hulks, his period of punishment will be reduced one-half; that is to say, if he has been originally sentenced to seven years, and conducted himself well, he will be liberated at the expiration of three years and a half; and a man who has been sentenced to ten years, but whose conduct has been good (a proper account of which will be kept on record), will be released at the expiration of five years. The House will see that these records of the conduct of the convicts will operate as perpetual *stimuli* to their industry and good conduct. I hope that that course will have the most beneficial effects; indeed it has already had that result in the Island of Bermuda, where it has now been carried out for some time past. I may say that measures are in progress, under the direction of Mr. Armstrong, for also establishing at Bermuda, and the other places chosen for the second stage of punishment, the same system as now exists at Pentonville. [Mr. G. BANKES: What do you propose as to transportation for life?] As far as regards transportation for life, I must remind the hon. Gentleman that a rule was laid down by Lord Stanley on that subject when he was in office, in which it was stated in the most distinct terms that a man who had been sentenced to transportation for life should not be treated as a convict during the whole of his life. Transportation for life was supposed to be equivalent to twenty-four years, and that will be the maximum duration of imprisonment of a man henceforth sentenced to transportation for life. The earnings of a man suffering under such a sentence will be partially kept by the Government; so that, when a sufficiency has been accumulated, his wife and family, if he have them, may be conveyed at his own charge to the colony in which he works. I think that we cannot attach too much importance to such a provision as that, which will tend to meet the evil which at present prevails of the dispersion of the sexes. It is proposed that on the expiration of that period the convict shall rise in the scale of society by receiving a ticket of leave or a conditional pardon. I am aware that great misapprehension exists on this subject, in consequence of what has been already said. A noble Lord of very great talent and very great ingenuity, has addressed a pamphlet to Lord Lyndhurst, although that noble Lord did me the honour of saying that it was his intention to have addressed it to me; but the noble Lord feared that it would have embarrassed me too much, in addition to the public business which I have to transact. I should, however, have considered myself greatly honoured if that noble Lord (I mean Lord Brougham) had addressed that pamphlet to me. In his pamphlet the noble and learned Lord describes the punishment of compulsory exile as unknown in this country. I believe, however, there is an Act of Parliament by which the punishment of exile is imposed on certain religious bodies who came to this country. Notwithstanding what is said by the noble Lord, the whole purpose of the proposed punishment will be found reformatory; to endeavour to reform the convicts so as to enable them to follow industrious and honest lives. In a populous country like this, where labour is plentiful, people always prefer to employ men whose characters are unimpeachable; and there is great difficulty in finding employment for persons who have once been in the situation of convicts. It is therefore proposed to remove them to a distant part of the world, where such a difficulty will not be experienced. The noble and learned Lord has also endeavoured to create great alarm and apprehension in France and the other countries of continental Europe as to the baneful effects which will result to them if the system of the Government be adopted. But the subject has been fully discussed in the report presented to the Legislature of France; and in that the reporters see no reason to apprehend the evils prophesied by the noble and learned Lord, whose brilliant and lively imagination is perhaps the only one that could have conjured up such a host of frightful evils. I can assure the House, and the country, and France, and the neighbouring European countries, that it is not intended to turn out the convicts of England—neither those that might undergo the sentence of separate imprisonment or employment upon the public works—upon the shores of France or any part of continental Europe, as the most convenient way of getting rid of them. The ticket-of-leave man and the conditional-pardon man will be on the same footing under the new as under the present system in the convict colonies. It is proposed to restrict the area in which the convict may become a free labourer; but the conditional-pardon man will be allowed to go wherever he pleases in pursuit of employment; and that will constitute the essential difference between the two classes. The ticket-of-leave man, too, will be able to emerge into the class of the conditional-pardon man, just as under the present system; and I hope that such will be the end in the majority of cases. I have not as yet adverted to the power of the Crown in this matter. A good deal has been said elsewhere on that subject; it has been repeatedly said, that if the provisions of the Act are carried out, the constitution would be endangered. I believe there can be no doubt that a power exists in the Crown to make the proposed changes; and that power has been extensively acted upon, not by virtue of any prerogative, but by virtue of the 10th Clause of the Transportation Act; by which the Crown is enabled either to mitigate, commute, or abolish a sentence of transportation, or direct in what manner the sentence shall be carried out. With respect to convicts under sentence of transportation for seven years, it has always been customary to commute their sentences. The matter is, in fact, left entirely to the liberty and pleasure of the Crown. I am quite ready to admit that a large and extensive change, such as this, is one which ought to be brought under the consideration of Parliament. But there was a difficulty in framing the Bill; I stated in my letter that it was difficult to define the offences that subjected to the punishment of transportation. With regard to the sentence of transportation itself, we are not prepared at present, I must observe, to offer any measure for its abolition. The sentence will continue to be passed, although it will be understood that it will not be carried into effect as heretofore; for it will cause great inconvenience if Parliament were to interfere, at once, to alter the existing plan. I have said nothing hitherto with regard to the new colony of North Australia, because it is not necessarily connected with the subject of transportation. It was not intended to be a place where criminals are to be transported, but a place for the reception of convicts conditionally pardoned; though it is not contemplated that the labour should be entirely performed by pardoned convicts, under the superintendence of Government officers; but that it should to a certain degree be an additional settlement, with a free-labour market, where the labour should not be performed by a mere convict population—but that it should have a free population as well as conditionally-pardoned criminals. It is not intended to establish any settlement in North Australia for slave labour, or the labour of convicts subject to coercion; but by free labour in conjunction with that contemplated by this Bill. But on that question the Government has not had sufficient experience; and it could not, therefore, be made a subject of discussion; had it been, the plan would have come materially to the aid of the present proposition. I will not now enter upon the treatment of juvenile offenders. There is nothing before the House which necessarily raises that question. I have stated my general views on the whole subject, in the letter which I addressed to my noble Friend the Secretary for the Colonies. I will only further say, that measures are now in progress, by which I hope those views may be carried out; and by which public works may be established in this country, to which criminals of tender age may be sent, with a view of checking their disposition to crime at a period when there will be, I trust, a far better hope of training them up into a moral course of living, than there could be if the attempt to reform them were postponed to a more advanced period of their lives. I believe I have stated the general outline of the plan which Her Majesty's Government proposed to the House. In doing so, as I said before, I am aware that it is open to objections. It is very easy to anticipate a failure; and I do not think, looking at the results of every other system which has hitherto been tried, that we are entitled to rely with perfect confidence on the success of the plan which we now propose. But I ask those hon. Gentlemen who might feel disposed to object to it, seriously to consider the contents of that mass of documents and evidence which lies upon the Table of the House, with reference to the systems which have hitherto been tried; and I will ask them, before they hastily condemn this experiment—thinking it may fail, that it contains some feature which they believe will not be successful—I ask them to consider the fearful alternative of leaving these matters in their present condition. I will ask them, before they decide to oppose the measure, to consider the formidable extent of the moral and physical evils of the present system, and the lamentable rate at which those evils, if unchecked, must increase. I ask them to look at the evils which the present system brings upon the virtuous and unconvicted portion of our penal colonies; the baneful effects of its contamination. I will direct the attention of the House to a short extract from the letter of Mr. Naylor, a magistrate and clergyman residing in Norfolk Island, in which, after deploring the dreadful contamination of the free labour there by the convict population, he goes on to observe—

> "Let the criminals of England, whether employed at home in national works, or transported to other regions, be required to repay the injury they have done to the community, not by undergoing a sentence measured by time alone, but one to be determined by a fixed amount of industrial labour, assisted by good conduct; in other words, commute the sentence of a term of years into a proportionate amount of useful labour; you will then inflict a penalty on crime far more decided than the present one, and you will secure a guarantee that the offender is prepared for society, by a habit of self-control, before he can enter it again."

And that is the principle which the Government are anxious to adopt. After giving the best consideration which they can to the subject, they have resolved upon the plan of which I have detailed the general outline to the House; and I trust that no hostile feeling will be expressed on the part of the House to the trial of this proposed experiment. I will only say, before sitting down, that I shall be most willing to receive any assistance or suggestions from hon. Members, which may aid in carrying out the intentions of the Government on this subject. I hope, as I have before said, that those hon. Members who condemn the plan, will consider the frightful alternative of allowing these matters to run on in their present course. I have now only to thank the House for the attention which it has paid to me. I trust that the measures which I have proposed, will lead to the attainment of those great objects which I am sure we are all anxious to see accomplished—the amelioration of the present system of penal discipline. I have no doubt that we shall all use our best endeavours to attain those objects, and that the efforts which are now being made —begun with a due sense of the importance and difficulty of the object to be obtained—will be more effectual than any that has been hitherto made.

Lord MAHON said, he should deeply condemn himself, if he thought that in the course which he was about to take on this great question, he was influenced by any feelings of party strife or political hostility. On the contrary, he desired to express the pleasure which he felt, whilst he listened to the very clear and powerful statement of the right hon. Gentleman who had just sat down, and to offer his tribute of praise to the very great ability with which he had discussed this subject—discussed it both in the speech which they had just heard, and in the letter which the right hon. Gentleman, on the 20th of January last, addressed to his kinsman and his Colleague Earl Grey. Nor would he be understood to speak of all the parts of this scheme with blame; but he must confess that there were circumstances in it and connected with it that filled him with doubts and apprehensions. Now, in the first place, he would advert to one of the last points on which his right hon. Friend had touched; and he would ask the House to consider how great a change was attempted to be made, not by this Bill—not by any Bill whatever—but by prerogative alone. He thought he was entitled to say, that, during the seventeen years in which he had held a seat in that House, he had never known so great a change, or any thing like so great a change, having been attempted to be made without the authority of Parliament. [Sir G. Grey: I rely on the Clause in the Transportation Act.] The right hon. Gentleman had told them that the Tenth Clause of the Transportation Act gave the Crown the power of deciding how a sentence of transportation should be carried out; but he (Lord Mahon) did not think that clause afforded any valid ground for the course now attempted. The object of the Legislature in passing that Act, was to confer upon the Crown the right of directing how a sentence should be carried out in the case of a single convict in special circumstances, or of a single colony in special circumstances; but it was not meant to give the Crown a discretionary power over the cases of all convicts in all colonies. The 5,000 or 6,000 convicts who were annually sentenced to be transported from this country, were now, as Earl Grey decided, in the first instance to be confined in England; and so great a change as that, he would repeat, he had never seen attempted without the authority of Parliament. There was another point in this proposal to which also he confessed he felt the strongest objection—he alluded to the practice which would be carried on under this system of passing a nominal sentence of transportation, whilst it was no longer in the first instance to be carried out, and while the criminal was, in fact, to remain at home. Now there could be no worse system than that the letter of the law should go in one direction, and its practice in another; that was a point on which he imagined that there could scarcely be any difference of opinion. He felt sure that such a system would be protested against by all those who had either studied the principles or directed the execution of criminal law, and especially by those hon. Members who had acted as chairmen of quarter-sessions. They all remembered how much was said some years ago, when the practice prevailed of a sentence of death being frequently pronounced upon criminals even when it was not intended to carry that sentence into execution. But there it might at least be argued that the Crown stepped in with its prerogative of mercy; that law there was on one side, and prerogative on the other; here, however, as he understood it, the object was not to mitigate, but only to commute, the penalty; to give the same amount of punishment, but only in another form. He maintained that if this part of the proposal were carried out, it would not be treating the courts of justice with that respect to which they were entitled. They would henceforth be called upon to pronounce sentences which they knew perfectly well it was not the intention of the Government to carry into effect. They would have to tell the culprit, "Our sentence is that you shall be transported; but we also have to inform you that in the new language of Earl Grey, Her Majesty's Secretary of State for the Colonies, to be transported signifies to be imprisoned at home; and you may accordingly expect a confinement in the neighbouring gaol! We talk of Australia; but what we really mean is Pentonville!" In reviewing the different stages of punishment which the right hon. Gentleman had substituted for transportation, he found in the first place that the convicts were to undergo the separate system, and be confined for not less than six, nor more than eighteen months. On the whole he was disposed to look very favourably upon the separate system. He did think that in many cases its effects had been most beneficial; but whilst he said that, he must confess that he doubted whether it had been sufficiently long in practice —whether, in fact, it had been tried so fully as to warrant the right hon. Gentleman in making it the foundation of a system of secondary punishment. He doubted whether it was not desirable that some further reports as to its results should be first awaited. The right hon. Gentlemen had referred to the various reports of the Pentonville prison as evidence of the success of the separate system; and in the last report, presented only a few days ago, there were some valuable observations from the chaplain, the Rev. Joseph Kingsmill, decidedly in favour of the separate system; but he added these remarkable words:—

> "While thus asserting my conviction as to the favourable results, in general, of the experiment in Pentonville as regards mind, I am compelled, by another year's most anxious observation on the actual working of the system, to say that there are cases where it is otherwise."

He (Lord Mahon), therefore, considered the separate system, though not disposed to speak of it disparagingly, still as an experiment, the success of which was not so clear and decisive as to entitle the right hon. Gentleman to assume it to be perfectly successful, and to warrant him in making it the foundation of an altered system of secondary punishment. But, moreover, had the right hon. Gentleman sufficiently considered how his system of imprisonment was to be carried into effect? He (Lord Mahon) had moved for returns of the replies from the chairmen of quarter-sessions to the circular letter of the Secretary of State, and those returns showed that, in the greatest proportion of instances, in the different prisons, there was not anything like adequate accommodation for the convicts proposed to be confined in them. The right hon. Gentleman had quoted the cases of Wakefield and Reading. These were picked and favourable instances; but was it possible that he had overlooked the fact that, in numerous instances, the magistrates had reported that, so far from there being space to spare for any fresh number of convicts, there was not enough for the convicts they had already to provide for?

SIR G. GREY: I can state, on the authority of Major Jebb, that all the county gaols together, in addition to the building at Portland, would accommodate 1,000 more persons.

LORD MAHON continued: He bowed with all respect to the authority of Major Jebb on such a subject, but could scarcely reconcile that statement with the official returns then before him. He found, in a view of Scottish prisons, supplied by Mr. Ludovick Colquhoun, a return recently delivered to Members of the House, that the prisons in Scotland were wholly inadequate to the reception of the prisoners even now, on the present system, required to be kept at home. It appeared that in the year ending June 30, 1846, the total number of cells or rooms for confinement in Scotland was 1,632, while the greatest number of prisoners confined at any one time during the year was no less than 2,334; so that there were nearly 800 cells short of the number required to carry out the separate system. And when the right hon. Gentleman quoted the information supplied by Major Jebb, that there was sufficient space for 1,000 persons more, could there be a greater proof of the inadequacy of the accommodation, when the number of convicts to be provided for during each future year was 5,000 or 6,000? But he came to the second branch of the punishments proposed. There was to be labour in the hulks or upon public works. With regard to the hulks, it might be in the recollection of the House, that he had brought the subject of labour in the hulks before it in the time of Lord Melbourne's Administration, when the House by a majority decided that the number of convicts employed in the hulks was too large, and ought to be diminished; and yet, notwithstanding this vote, without any attempt to controvert his reasoning or to deny the facts, the right hon. Gentleman told them that the number of persons in the hulks must be very considerably increased, and not only so, but a system of public works must be established. To this latter part of the plan, he (Lord Mahon) entertained the strongest objection. He could not but think that it was the first step to the establishment in this country of what in France was felt to be a great evil, the system of *bagnes*, as they were called. He had heard some of the most intelligent French statesmen deplore the evils of this system; saying, that in the departments round the *bagnes* of Toulon and Brest—the departments, namely, of the Var and of Finisterre, the people had been exposed to grievous suffering—subjected to martial law for the recovery of convicts who had escaped, and military discipline enforced to prevent their escape; whilst every kind of atrocity took place in the *bagnes* themselves, and whilst the periodical release of prisoners cast loose every year a number of unreformed and desperate characters. He had heard some of the most eminent French statesmen lament this state of things at home, and express their opinion that, among other advantages of England, our law for the reform and punishment of criminals in our colonies was one of the greatest. He believed that this opinion was almost unanimous in France; it had very recently led to the abolition of the *bagnes;* and now, when this system of *bagnes* was abolished in France, was it not strange that we were about to establish something like it in England? There was a further objection to this part of the plan in the competition which it would raise against free labour. He thought it no light thing to deprive the honest free labourer of an opportunity of employment, for the sake of the malefactor. The House had heard in former debates, of the scanty food, the threadbare clothing, and the insufficient wages of the peasantry of Dorsetshire; and would the free labourers of Dorsetshire not have good ground to complain, if they were excluded from labour on their own shores of Portland by the employment of convicts upon harbours of refuge and other public works? He could not but think, although the convict establishment at Portland as now proposed might be defensible on a limited scale, or for a temporary service, that if it were intended to make it the foundation of a kind of national system, it would be fraught with misery and danger. He had had the advantage of hearing, a few days since, an opinion on this subject of a Prelate who was peculiarly qualified to form a judgment on the question, and who was distinguished for his powerful understanding and his benevolent character—he referred to the Bishop of Tasmania, who was now on a visit in this country. That Prelate expressed his decided opinion, from what he had seen and known in Australia, that in the present scheme that was put second which ought to have been first, and that was put first which ought to have been second. In the opinion of the Bishop of Tasmania, if the two systems of public works and separate confinement were to be adopted, the employment on public works ought to precede the separate confinement. He now came to the third important feature in the plan now before the House, which provided, that after the expiration of the period of their employment on public works, convicts should be exiled to the colonies. He must here observe, that the right hon. Gentleman (Sir G. Grey) in his statement to-night, had announced a very important departure from the principles set forth in the letter he addressed to Earl Grey on this subject on the 20th of January. The right hon. Gentleman had to-night told the House, that the great mass of the convicts were to be sent to the Australian colonies. Now, let the House observe how materially this feature of the plan differed from the scheme propounded in the right hon. Gentleman's letter of the 20th of January. In that letter the right hon. Gentleman said—

> "To send large numbers of convicts collectively to any of our colonies, though they were to become free on their arrival there, would, if continued for a series of years, lead to many of the evils which resulted from transportation."

Yet this was the very course which the Government now proposed to adopt! But the right hon. Gentleman, in his letter, also said—

> "It is proposed that, on obtaining this conditional pardon, the only restriction on the liberty of persons holding such a pardon, shall be the prohibition of remaining in this country, and that facilities for emigration shall be afforded them individually instead of collectively."

This part of the scheme, however, was entirely abandoned; and the right hon. Gentleman now proposed to send the convicts out collectively to the Australian colonies.

He must admit that he considered this alteration was an improvement in the plan: but he thought it would have facilitated the discussion of the subject in the House, if, when it was intended to make so important a change in the plan propounded in his letter of the 20th of January, the right hon. Gentleman had given them some other document embodying his *editio nova, et emendata.* He was ready, however, to welcome the plan in its altered form; and he believed the change would obviate many of the objections entertained against the scheme. He thought it most essential that the State should at once decide to what colonies the convicts should be sent; or otherwise, when the yearly estimates came under discussion, there would be a continual struggle between the pecuniary interests of the State, and the advantage of the convicts; because the pecuniary interests of the State would be to remove the convicts to the nearest settlements to which they could be conveyed at the least expense; while it would be for the advantage of the convicts themselves that they should be removed to some more distant destination. Another important consideration connected with this subject was, how far the salutary fear produced by a sentence of transportation was likely to be weakened by the altered system of applying that punishment? That certainly was a question, the importance of which it was impossible to overrate. It had been stated on very high authority, that a strong sense of discouragement pervaded the minds of many convicts, when they knew that they were again to be turned loose among their old associates. Indeed, this was a system which tended to remove all terror from the minds of those who were disposed to return to their evil practices; while, on the other hand, it was most discouraging to those who were really anxious to reform their conduct. A striking instance, bearing upon this point, was contained in a report of the Rev. John Clay, chaplain of the House of Correction at Preston, Lancashire, dated October 20, 1841. That gentleman stated that a convict who had been sentenced to transportation, and who had been to some extent reformed through his efforts, but who had been confined in a prison at home, and was surrounded by his old associates in crime, exclaimed, "It's no use trying to repent here." This case was mentioned by Mr. Clay as an example of the feeling which was in many instances entertained by the convicts. He would ask, then, whether it were likely that the salutary terror which was necessary for the repression of crime would still be maintained, if transportation was altogether dispensed with? He must blame the noble Lord at the head of the Colonial Department for not consulting those eminent authorities most competent, from their knowledge and pursuits, to form a judgment on this subject, before he brought forward his plan. Surely, although they might differ in opinion upon political matters, all must respect the opinion of Lord Ashburton as a statesman, and of Lord Denman as a judge. Both had declared, as the result of their knowledge and experience, that the abandonment of transportation would go far to destroy that terror of punishment upon which they must mainly depend for the prevention of crime. The House of Lords had since appointed a Committee to investigate the subject: that Committee had already presented a report; and he had moved, a week ago, for its communication to this House. [Sir G. GREY: The Committee have not presented their report, but merely the evidence.] It might not, technically speaking, be a report, but it contained a mass of very important evidence. As the report had not yet been communicated to that House, it might not be quite regular for him to refer to it further; but he might put the case hypothetically, and might ask hon. Gentlemen what they would think, if queries relating to this subject had been addressed to every one of the Judges, and to persons of note connected with the administration of the law, and if the opinions of all these persons were unanimous in condemnation of the scheme of Her Majesty's Government? He was informed that the opinions of the high authorities to whom he had referred, were, without a single exception, adverse to the Government plan. If this were the case, he would ask the House what they thought of the prudence and judgment of Lord Grey, who had proposed a change of this nature without ascertaining the opinions of the eminent men to whom he had referred? He had understood the right hon. Home Secretary to acknowledge that the system he had explained was by no means free from difficulty and objection; but the right hon. Gentleman said, "Though you may find fault with our proposal, I entreat you to look at the greater faults and evils of the present system of transportation." He did not intend to deny the evils which had in many cases attended the existing system of transportation; but he must caution the House against confounding the abuses of a system with the system itself. Because there had been a maladministration of the existing system, and great abuses had prevailed, it did not follow that the system was incapable of improvement or reformation. He would ask the attention of the House to the opinions of several persons well qualified to form a judgment on this subject, who were satisfied that transportation, under a due system of discipline, might be made conducive to the reformation of the convicts, and to the advantage of the State. The first authority to which he would refer was that of Sir James Mackintosh, who, in a letter he wrote from Bombay, in July, 1807, said, "The experiment of a reforming penal colony is perhaps the grandest ever tried in morals;" and Sir James indulged the hope of going out as governor of one of the penal colonies, and endeavouring to render the practice as perfect as the theory. It might be said, that Sir James Mackintosh had no practical knowledge of a penal colony; but he would observe, that when they spoke of a new country—of lands to be reclaimed from the wilderness and peopled with fresh settlers—then there appeared a wide scope for realizing schemes of government; and there practical knowledge, so essential to our complicated forms and ancient institutions of society, was of far less avail. But he would now come to another authority, who had been already that evening honourably mentioned by the right hon. Gentleman, and whose practical knowledge and experience could not be for a moment questioned. Sir John Franklin, in an important despatch from Van Diemen's Land, dated March 11, 1839, stated that he had for upwards of two years watched the results of transportation in that colony, and observed—

> "If the view which I have taken of reformatory discipline be a just one, it can be conducted only in a new country, where labour is valuable, where alone the convict can readily obtain employment, and where there is a community from the sympathies of which he will not be of necessity excluded. The continuance of transportation, therefore, appears to me to be essential."

It was true that in 1842 Sir John Franklin expressed his disappointment at the failure of some parts of the system; but, since Sir John's return, he had had the honour to converse with him; and he then declared his adherence to the general opinions he had expressed in 1839. The Rev. Henry Fry, chaplain of St. George's, Hobart Town, also bore testimony to the general good effects of transportation; and in a letter dated August 17, 1846, declared that the statements of the wonderful tranquillity, security, and good order of the colony were completely true; that the presence of convicts had not a seriously demoralising effect upon the habits or manners of the free inhabitants, male or female; and that instances of reformation and of respectable conduct in the convicts were very common and delightful to witness. Mr. Fry concluded by saying—"I am strongly convinced, therefore, that transportation is a blessing to thousands." But it might be very fairly asked, if transportation was considered by high authority as capable of being worked for the advantage of the convict and of the State, why, instead of congratulating themselves on the success of the system, they had on the whole to lament its failure? This brought him to speak of the late Governor of Van Diemen's Land, Sir Eardley Wilmot; of whose death, he regretted to observe by the newspapers, intelligence had been that very morning received. With these painful tidings fresh before him, nothing could be farther from his wish than to impeach the intelligence, judgment, or ability of Sir Eardley Wilmot; but he could not say that the system of transportation admitted of being well administered, without implying that the qualities of activity, vigilance, and care, had not been so strongly exercised by that lamented gentleman as the nature of his duties required. He would say no more on this point; but it was absolutely necessary to say thus much, for the purpose of explaining how a system which was capable of being well worked, had, nevertheless, been productive of so much evil. He wished again to observe that he made no kind of imputation against that gentleman, in point of character or integrity, but merely that he had not altogether realized the, perhaps exaggerated, expectations which the public had formed. As to the inferior appointments in Van Diemen's Land and Norfolk Island, there had been a fault, generally speaking, committed in this respect, that a system of economy, useful in other instances, had been carried to a pernicious extent. With regard to the present administration of the colony of Van Diemen's Land, he thought that that colony was certainly fortunate in the possession of a Governor like Sir William Denison, who was distinguished by all the diligence and unremitting care requisite to alleviate the evils under which that colony was suffering; and who was able to govern the large body of convicts under his charge with the greatest advantage to themselves, and with every prospect of a reformatory result. But how happened it that the system of transportation had not proved satisfactory? There were two great settlements for transportation, New South Wales and Van Diemen's Land, and it was suddenly announced by the noble Lord opposite (Lord J. Russell) that no more convicts could be sent to New South Wales. Consequently from the accumulation of convicts in Van Diemen's Land and Norfolk Island, ensued those horrors of which it was painful to speak. But was it possible to read the details contained in the blue book presented to Parliament, and not see how very much the administration of the officers appointed to superintend the convicts had tended to the result which they all deplored? It appeared that the officers, in order to go out and spend the evening, had locked up the convicts in gangs of sixty or eighty in dormitories, without light, from six o'clock in the evening until eight o'clock in the next morning. Was that giving the system a fair trial? If it had been administered in a different manner, were they entitled to say that it would necessarily fail? Had any one contemplated this horrible system of locking up men for fourteen hours together, without light, in contravention of the regulations? And when Mr. Stewart was sent over to inquire, Major Childs, the Governor, said he did not know that such a thing was done. Then, he repeated, this was not a fair trial of the system. With such proceedings and such governors the system could end in nothing but a disgraceful failure; but they were not entitled to argue that such a failure was inherent in and essential to the system. He thought it was possible, by means of sufficient salaries, to provide an efficient service, even on such a spot as Norfolk Island. He confessed he was at issue on this subject with Mr. Gladstone, who stated in his despatch to Governor Sir Charles Fitzroy, dated May 7, 1846, while giving directions for the formation of a new penal colony in North Australia—

> "It is a fundamental and essential part of our design that the local establishment should be maintained at a very low scale, both as respects the emoluments, the rank, and the titular distinctions to be enjoyed by the various officers employed there."

And again, in another passage of the same despatch—

> "The officers will, I hope, be few in number, and their emoluments of small amount."

If they meant to maintain these penal settlements with any prospect of success, they ought to pay liberally the officers who perform the painful duties connected with them. The same salary which will secure a proper discharge of pleasant duties in a pleasant colony, will not tempt men of sufficient energy and talent to grapple with the vices of any convict population, or the painful scenes of any penal settlement. Undoubtedly, the evils described in the papers before Parliament were to be traced to the disproportion of the sexes. The number of male convicts was larger by five or six times every year than the female. If they were sent to Portland Island, the same disadvantage would exist as in Norfolk Island, only the convicts would be subject to closer superintendence; but, continuing the system of transportation, it was possible by emigration to restore the proper proportion of the sexes. From the best information he could obtain, he was of opinion that it was not impossible to establish such a system of penal discipline in our colonies as would be attended with the advantages for which the system was first established. He thought that there were two points, with respect to which considerable blame might be ascribed to Lord Grey. He did not blame Lord Grey for anything he did with respect to Norfolk Island; for, arrived at the point which it had attained there, he felt inclined to concur with Lord Grey in thinking that nothing short of breaking up the whole establishment could reach the evil. It was impossible to allow such contaminations to continue to exist. But he did not think Lord Grey was justified in what he did with respect to the settlement of North Australia, founded by Lord Stanley. The plan was deliberately reviewed by Mr. Gladstone, who came to the conclusion of sanctioning the establishment. The Governor was appointed, instructions were given, some expenses were incurred in the works; and then all of a sudden, without any apparent cause, Lord Grey reversed the decision of his two predecessors, sent out a summary order that the works should be discontinued: the Governor was to be recalled, and the establishments abandoned. He also thought that blame was to be ascribed to Lord Grey in having at once announced that at no future period should transportation to Van Diemen's Land be resumed. The system might have been suspended; but he did not think that Lord Grey was justified in tying up for the future the discretion of himself and his successors. With respect to the whole subject now under consideration, he could not but think that even after the lapse of nearly 2,000 years—even after the elevating influence of the Christian faith, they could scarcely describe the exact aim of penal legislation with more perfect truth or more admirable clearness than were supplied by a few short words of Cicero:—*Ut pœna in paucos perveniat, metus in omnes.* The right hon. Gentleman had well studied the *pœna in paucos*, but how had he provided for the *metus in omnes?* He was of opinion, that among the many blessings which Providence had vouchsafed to those islands, this was to be reckoned—that by our dominion over far distant and hitherto uncultivated lands, a large scope was afforded for the reformation of our erring and degraded fellow-men. By our dominion over those distant lands, and by a right system of discipline once established, a salutary reformation might be wrought. So well did he know that the steps now proposed to be taken would, if not early checked, be irrevocable, that he should be disposed, if he found the feeling of the House concur with his, to give the House an early opportunity of coming to a vote on this question. To this, however, he could not pledge himself; but meanwhile he must claim the privilege of protesting, and he hoped other hon. Gentlemen would also protest, against a change not sanctioned by Act of Parliament, and which, he believed, to be fraught with rashness, with error, and with danger.

SIR W. MOLESWORTH: There are two questions for the consideration of the House: first, whether transportation should or should not be discontinued; secondly, supposing it should be discontinued, what punishment should be substituted in its stead? With regard to the propriety of discontinuing transportation, I entertain the strongest opinion. For I undertake to prove that in every shape and under every form transportation is a bad punishment. I undertake to prove this position with regard to the assignment system, which was the original punishment of our penal colonies; with regard to the road parties and chain-gangs of New South Wales; with regard to the probation system of Van Diemen's Land; and with regard to the penal system of Norfolk Island and Port Arthur—I will show that all attempts to improve transportation have been signal failures, and that it cannot be rendered a good punishment. Therefore it appears to me that the Government are acting with wisdom and judgment in determining at once to abolish transportation, and to substitute in its stead a scheme of punishment more in accordance with the feelings and knowledge of the age. I must trespass somewhat upon the patience of the House. I hope I may be pardoned for so doing, in consideration of the circumstance that I was Chairman of the Committee appointed by the House to inquire into the efficacy of transportation as a punishment, and into its moral effects on the state of society in the penal colonies. The Committee sat during the Sessions of 1837 and 1838. They collected ample information with regard to transportation. They laid a full report on the subject before the House. That report was unanimously agreed to by the Committee. The Members who were present when it was agreed to were—Sir R. Peel, Lord John Russell, Sir George Grey, Lord Grey, Lord Fortescue, Sir C. Lemon, Mr. Hawes, Mr. Ward, myself, and others. That report is, therefore, deserving of some consideration from the House. I will suppose that hon. Members are generally acquainted with it, and will confine my observations to what has occurred since its publication. In that report the Committee approved of the intention of the Government to discontinue the assignment system. Now, did the Government act rightly in discontinuing the assignment system? The assignment system was the main and characteristic feature of the old punishment of transportation. By many persons it was considered (perhaps not unjustly) as the best portion of that system. When it was discontinued, transportation became an ordinary punishment, similar to that of the galleys, of the hulks, dockyards, and gaols of this country, with this important exception, that it was administered at the distance of some twelve or fourteen thousand miles, in a place where it was impossible to obtain efficient superintendence and inspection, and where everything was left to the discretion of all but irresponsible subordinates. In order to answer the question whether it was right to discontinue the assignment, I will describe it to the House as briefly as I can, and almost in the words of the Transportation Committee. A convict was said to be assigned, when the right of the Government to the labour of the convict was transferred to some private individual, who became his master. Convicts were assigned as domestic servants, mechanics, or field labourers. Their previous occupation in this country mainly determined their condition as assigned convicts in the penal colonies. For instance, domestic servants transported for any offence became domestic servants in Australia, and were to be found in the establishments of the wealthiest settlers. They were well fed, well clothed, and frequently received wages from 10*l.* to 15*l.* a year. Convict mechanics were even better off than the convict servants. For, as skilled labour was very scarce in Australia, they were eagerly sought for, and well paid for their work. The most numerous class of assigned convicts, however, were the field labourers, the shepherds, the neatherds, and others employed in agriculture. They were, generally speaking, better fed than agricultural labourers in this country; but, as the Committee remarked—

> "The condition of each convict mainly depended upon the character and temper of the settler to whom he was assigned. On this account Sir George Arthur, late Governor of Van Diemen's Land, likened the convict to a slave, and described him as deprived of liberty, exposed to all the caprice of the family to whose service he might happen to be assigned, and subject to the most summary laws."

Sir R. Bourke, a Governor of New South Wales, stated—

> "That the result of the system of assignment was to render the condition of the convicts so placed extremely unequal, depending upon a variety of circumstances over which the Government could not possibly exercise any control."

And the Committee reported, as the result of their inquiries—

> "That the condition of an assigned convict was a mere lottery; that it might and did range between the extremes of comfort and misery;"

and they quoted the words of a Chief Justice of Australia—

> "That it frequently happened that lesser offenders against the law came to be punished with disproportionate severity, while greater criminals escaped with comparative impunity."

I have only been speaking of the assignment of convict men; now, with regard to the assignment of convict women. On this subject I beg the House to bear in mind a most important fact, namely, that all experience with regard to transportation proves that if convict men are permitted in any degree to meet and associate together, convict women in almost equal numbers must be transported likewise, to become their companions, or the most degrading and disgusting vices will be common. If, therefore, any form of the assignment system be re-established, women must be assigned as well as men. Now what is the description given by the Committee of the assignment of women? The Committee report that—

> "In respectable families the condition of assigned convict women was much the same as that of women servants in this country; their general conduct was as bad as anything could be; the tendency of assignment was to render them still more profligate; all of them were, with scarcely an exception, drunken and abandoned prostitutes; and even if any of them were inclined to be well conducted, they were exposed to inevitable temptations."

The Committee observe, that it is easy to imagine what must frequently be the consequence of placing the children of settlers under the charge of such persons:—

> "Many respectable settlers were unwilling to receive convict women as assigned servants; in many instances they preferred employing convict men in the domestic services which were only performed by women in this country. A considerable portion, therefore, of the female convicts were assigned to the lower description of settlers, by whom they were not uncommonly employed as public prostitutes."

In confirmation of these statements I may observe that Sir John Franklin, late Governor of Van Diemen's Land, has stated in a despatch to the Colonial Office, that he perfectly concurred with the Committee in everything they had alleged respecting the assignment of female convicts. For these reasons, and because (as the Committee state)—

> "The practice of assigning convicts to settlers has this inherent defect as a punishment, namely, that it is as uncertain as the diversity of temper, character, and occupation amongst human beings could render it."

The Committee unanimously approved of the abolition of the assignment system. It is now said that the colonists of New South Wales wish for the re-establishment of the assignment system. Is this true? Mr. Gladstone, in a despatch dated April, 1846, desired the Governor of New South Wales to ascertain the opinion of the inhabitants with regard to the renewal of transportation. The Governor referred the question to the Legislative Council, which immediately appointed a Select Committee to report upon the subject. I hold in my hand the report of the Committee, and memorials from the inhabitants of New South Wales with regard to the renewal of transportation. The memorials are signed by 8,400 persons, who state the re-introduction

—"of convicts into the colony would be injurious to the morals and destructive of the best interests of the community."

The Committee of the Legislative Council report their opinion that

—"if it were placed at the option of the colonists, whether they would at once and for ever free themselves and their posterity from the further taint of the convict system, doubtless a large majority would give the proposal for renewed transportation an unhesitating veto;"

and if the Secretary of State for the Colonies

—"be prepared to discontinue the transportation of convicts to the Australian colonies, and thus practically, as well as nominally to free this continent from their presence, your Committee beg unequivocally to state that such a course would be most generally conducive to the interests and agreeable to the inclinations of those whom it will most directly and ultimately concern."

But if

—"transportation is still to go on to Van Diemen's Land and the other penal establishments formed in these seas; if a new penal settlement is immediately to be formed on the northern boundary of the colony; if this colony, already inundated on the south with the outpourings of the probation system in Van Diemen's Land, the most demoralising that was ever invented, is soon to have poured in upon it from the north the exiles from the penitentiaries of the mother country, as well as the expirees from that colony; if New South Wales must submit to this double stream of felony, whether it will or not, then the question is narrowed to this: whether it is expedient that transportation should be renewed in a direct form on equitable conditions, or whether it should virtually exist in the indirect and polluted shape which it has already assumed; whether, in short, we are to have this double tide of moral contamination flowing in upon us without check or restraint, and without any counteracting advantages.

"This being the true state of the question, your Committee have been driven to the conclusion that the only safe alternative left to the colony is to accede to the proposition 'that a modified and carefully regulated introduction of convict labourers in New South Wales, or in some part of it, under the present circumstances is advisable.'"

The Committee then state that they will

—"submit to a renewal of transportation on certain conditions: first, on condition that no system of road parties, chain gangs, probation gangs, nor any conceivable modification of it by which convicts are to be aggregated in masses"—

shall be introduced into the colony. For the Committee state that in consequence of that system, the

—"worst days of Sodom and Gomorrah were not so bad as the present days of Van Diemen's Land. That such, indeed, would be the necessary result of any large aggregations of vicious men, debarred from access to female society, might have been inferred *à priori*. And the wonder is, how it could have ever entered into the contemplation of its benevolent authors that large masses of human beings, composed principally of the very dregs of society, and for the most part debased by crime previous to their deportation, could be thus aggregated and reformed."

I may be permitted to state that the Transportation Committee in 1838, and myself in 1840, both pointed out what would be the consequences of establishing the gang system; but our predictions were unheeded. The other conditions insisted upon by the Committee of the Legislative Council of New South Wales would entail enormous expense upon this country. The Committee required that whatever might be the number of male convicts transported, they should be accompanied by the importation of an equal number of women either convict or free; and that in addition there should be a further importation of an equal number of free emigrants, as nearly as possible in equal proportion as to sexes; the expense of all this to be defrayed by Great Britain. Thus, suppose 5,000 convict men and 1,000 convict women were to be transported, then, in order to fulfil the conditions to which I have referred, first, 4,000 free women, and secondly, 5,000 free emigrants, half of them women, in all 9,000 free persons, would require to be conveyed to New South Wales at the expense of this country for every 6,000 convicts transported. Would free emigrants, especially women, like thus to be sent to the colony as companions of convicts? The cost of this free emigration, if it could take place, would not be much less than 150,000*l.*; and supposing convicts could be conveyed to New South Wales at an average of 20*l.* a head, then the total cost of merely landing a convict on the shores of that colony would amount on an average to 45*l.*, or twice what it has hitherto been. In addition, the Committee of the Legislative Council require that two-thirds of the expense of the police, gaols, and criminal administration of justice should be defrayed by the Home Government, which would entail a further expenditure of about 47,000*l.* a year. I do not think these conditions at all extravagant. I believe they would by no means compensate the colony for the evils of a renewal of transportation. On the other hand, the expense to this country would probably be as great as that of punishing convicts in the best penitentiaries. But what is to become of the convicts after their arrival in the colony? The Committee declare that they are on no account to be employed in gangs of any kind, but they are to be assigned. To whom ?—to persons into whose character a rigid inquiry is to be instituted as to their fitness for the discharge of the duties of a master of convicts ? How is such an inquiry to be instituted ? What is the test of fitness ? What a farce such an inquiry would be, yet what an opening for favouritism and abuse ! The convicts, I repeat, are to be assigned—not in the cities nor in the towns, but they are to be dispersed over the wilds of the interior, as shepherds, by twos and by threes, in huts of bark and slabs, many miles apart—thus thousands and tens of thousands are to be got rid of; and it is expected that the loneliness of these vast solitudes will reform their characters, and that wandering missionaries will afford them religious consolation. I acknowledge that if transportation is to be renewed to New South Wales, this is the best form of it; still it is most objectionable, and one of the strongest objections is to be found in the report of the Committee of the Legislative Council. In that report, as I have already said, they demand that as many women should be conveyed to the colony as men, in order to diminish the existing disproportion of sexes, in order to prevent, as they term it, "the abominations of a *populus virorum*, such as polluted the earlier days of this colony, and such as now pollutes the sister colony of Van Diemen's Land." But will not the thousands of convict shepherds beyond the limits of location be a *populus virorum ?* No provision is proposed in order to associate women with them. On the contrary, the project of the Committee is to create a community of males ; the hut, the home of the shepherd, is to be inhabited by three men—two to follow the flocks or herds, one to keep the hut, to cook, and to perform the other domestic duties. These huts are to be scattered over hundreds and hundreds of miles, without one woman to inhabit them. Again, all these convict shepherds must be armed, in order to defend their flocks against the native dogs and the blacks. What control can be exercised over them ? What is to prevent them running away, and becoming bushrangers ? They would be an armed banditti prowling upon the frontiers of the colony, massacring the natives, devastating and destroying. In their vicinity no respectable man—no man with wife or children of either sex—could live without the constant apprehension of the most fearful outrages—outrages such as the imagination can hardly conceive, but of which the history of the penal colonies affords too many lamentable instances. What, then, can tempt any portion of the inhabitants of New South Wales even to "submit" to such a plan ? The Legislative Council say that it is a mere choice of evils, which whatever may be the general desire, this community has not the power to escape from." But it must be acknowledged that there are some persons in that colony, the demoralised and base offering of the old convict system, who see in the renewal of the assignment system a mode of obtaining cheap labour, and thus of acquiring wealth. Possessed of numerous flocks, unable to hire shepherds, they wish for convict slaves, careless of the moral consequences to themselves and to posterity. Their object is wealth, and they calculate upon our ignorance to afford them the means of obtaining it under the plea of reforming our criminals. Hideous and execrable cupidity, insulting to our understandings ! Nothing, I trust, will ever induce the Government or the Legislature to disregard the recommendations of the Transportation Committee, and re-establish the assignment system. The Transportation Committee likewise recommended that transportation should cease to New South Wales and the settled districts of Van Diemen's Land; and accordingly the noble Lord the Member for the city of London discontinued it. I regret that the noble Lord did not go one step further, and abolish transportation entirely. In 1840 I took the liberty of bringing this subject under the consideration of the House. I endeavoured to prove that transportation could not be made a good punishment—that all attempts to improve it would be signal failures—and that it would ultimately be abandoned after a worse than useless expenditure of public money. I entreated the noble Lord to reconsider the question, to abolish transportation at once, and to substitute in its stead a scheme of punishment similar to that which is now proposed by the Government, and which was proposed by the Archbishop of Dublin, who for the last eighteen years has been the consistent and determined opponent of transportation. The noble Lord would not at once comply with my wishes; and in refusing to do so, it is but fair to state that he acted in accordance with the views of the majority of the Transportation Committee. He continued to send convicts to Norfolk Island and Van

Diemen's Land. He greatly diminished, however, the number of convicts so transported; and I feel persuaded that if the noble Lord had remained in office, he would before long have seen the necessity of abolishing transportation. Unfortunately — most unfortunately — his place was soon after filled by Lord Stanley. Lord Stanley greatly increased the number of convicts to be transported. The noble Lord, it is said, did this in consequence of a resolution of the House, which was moved by the noble Lord the Member for Hertford. If this be true, the House never agreed to a more noxious and mischievous vote. It does appear to me that in an important matter like that of the whole penal system of the country, a great alteration should not be made without an Act of Parliament. I feel persuaded that if, in the instance in question, an Act of Parliament had been required, it would never have obtained the sanction of the House; whilst the resolution of the noble Lord was carried in a thin House, at the termination of a Parliament, and on the eve of the dissolution of the Government, when few Members were present to attend to the subject. Lord Stanley established in Van Diemen's Land what is termed the system of probation gangs. It was intended to be an improvement on the existing system of road parties and chain gangs. That system had been emphatically condemned by the Transportation Committee, who had taken much pains to prove that it could not be converted into a good punishment. Lord Stanley, however, determined to try the experiment, and the result has more than justified the assertions of the Committee. I will describe the main features of the probation system and its consequences. According to the regulations of Lord Stanley, convicts transported for life or for very grave offences were first to be sent to Norfolk Island; having remained there a certain period of time, they were to be transferred to Van Diemen's Land. To this colony all other transported convicts were to be sent directly. Both of these classes of convicts were to be employed in the probation gangs for a period of time; which depended partly upon the original sentence of the convict, partly upon his subsequent conduct in the gang. The gangs were to consist of from 250 to 300 individuals; they were to execute, in concert, works of public utility, and to live in huts in the immediate vicinity of those works. It was intended that about 8,000 convicts should be employed in this manner. At the expiration of the first period of probation (as in mockery it must have been called), the convict obtained a probation pass, which enabled him, under certain restrictions, to enter private service, and to receive wages. The length of this second period of probation depended entirely upon the conduct of the convict; at its expiration, he obtained a ticket of leave, which enabled him to work entirely on his own account, to possess property, and to move from one part of the colony to the other. And ultimately the convict might obtain a conditional pardon, which restored him to the station of a free man in all respects, except that he could not return to the United Kingdom. In order that this system should work well, two things were absolutely requisite — first, efficient superintendence over the gangs; secondly, sufficient demand for the labour of the pass-holders and ticket-of-leave men. But how did this system work? Lord Stanley bitterly complained that he could get no information on the subject. In a despatch directed to Sir E. Wilmot, Governor of Van Diemen's Land, September, 1845, he stated that three years before, he had directed that ample reports should be regularly sent to him with regard to the working of the convict system. Reports, such as they were, had been sent; but they did not contain the information which he required. The noble Lord seems to have been wonderfully patient; but at length his patence was exhausted, and he wrote to Sir Eardley Wilmot in angry terms, that—

> "On some of the most important topics he had received either no intelligence whatever, or none at all commensurate with the magnitude and importance of the inquiry. Respecting the condition of the convicts, and of the working of the system, the remarks had been slight and few. There was no distinct intimation of the defects or errors which experience might have brought to light; no suggestion as to the means of correcting such defects or errors; no review of the state and efficiency of each distinct establishment; no advice as to the means by which economy and efficiency might be best promoted. The superintendent of convicts had habitually confined himself to details. Sir E. Wilmot had confined himself exclusively to the exposition of financial difficulties."

And Lord Stanley avowed with regret—

> "That at the end of nearly three years, he was destitute of any clear understanding as to the conclusions which the immediate agent and the chief superintendent must have formed respecting the soundness of the principles and the wisdom of the plans which they had been called on to administer."

From some transient expressions, however, of the superintendent of convicts—from the "significant silence," as the noble Lord termed it, of Sir E. Wilmot—the noble Lord inferred—what? That there was no "material omission or mistake in the regulations of the system. There were, however," said the noble Lord, "two exceptions, or apparent exceptions, to this position;" and then the noble Lord referred, first

> —"to the accounts which Sir E. Wilmot had privately transmitted to him (and which were, the noble Lord said, altogether unfit for publicity) of the vices generated and fostered by the assemblage, at stations remote from society at large, of numerous bodies of convicts of the same sex."

Secondly, the noble Lord referred

> —"to the absence at Van Diemen's Land of an effective demand for the labour of the convicts there, whether in a state of probation, or of qualified or of absolute freedom."

The noble Lord seems to have been little aware that these two apparent exceptions, as he was pleased to call them, proved that this system of punishment was a signal failure, and a hideous reproach and a disgrace to the British name. This despatch is a curious document. It shows in what manner our remote colonies are sometimes governed by noble Lords and right hon. Gentlemen in Downing-street—it shows with what accurate information they have pretended to direct a complicated system of punishment at the antipodes, and to exercise vigilant control over their subordinates in the other hemisphere. Of this class of statesmen, by whom our colonies have been so often ruled, Lord Stanley was *facile princeps*. Lord Stanley was succeeded by Mr. Gladstone, who, in February, 1846, repeated the complaint of Lord Stanley, and peremptorily ordered a detailed report of the state of the colony to be sent to him. He directed Sir E. Wilmot to apply for that purpose to the Bishop of Tasmania, to the Roman Catholic bishop, and to all the clergymen of the colony. Before these reports could reach this country, petitions and letters had arrived from the colony, giving a fearful description of the results of the convict system in Van Diemen's Land. Some of them are printed amongst the papers of the House. I will refer first to a petition signed by 1,700 free inhabitants of Van Diemen's Land, in which they all allege that—

> "They were in a state of continual dread and anxiety for themselves and their families, owing to the number of convicts by whom they were surrounded; they had no security for life or property; the moral condition of the colony was daily becoming worse and worse; no regulations could counteract the evils of the enormous mass of criminals that were poured upon their shores; and if the present system of transportation continued, they must abandon a colony which would become unfit for any man to inhabit who regarded the highest interests of himself or his children."

They state, likewise—

> "That there was yet a more fearful evil produced by the present system of transportation."

With regard to this subject, I must refer to a letter from Mr. Pitcairn, a respectable solicitor in Van Diemen's Land; and another from the Rev. Dr. Fry, chaplain of St. George's Church, Hobart Town. Both letters describe the hideous moral consequences of the assemblage of convicts in gangs in the colony. Dr. Fry says, addressing the Secretary of State for the Colonies—

> "Having had occasion about six months since to visit the large convict station of the coal mines, and the adjacent stations, I was struck with horror at the representations of the chaplain, and other accounts, which I believe the bishop will submit to you. It is fearful to think of the scenes represented, and they are such as cannot be written. The aspect of the men indicated the dreadful habit to which they were addicted; and inquiry was met with silent reluctance, as if the condition of the men was too dreadful to speak of."

He goes on to say—

> "Communications with various persons, religious instructors, and probation men themselves, confirm me in the conviction of the great prevalence of the evil, and the contagion and corruption among the men, which I am convinced exists even in the Penitentiary in Hobart Town. When the men are locked in (to use a phrase common and undisputed) the place is worse than hell."

He adds—

> "I am convinced, that in this country no care or vigilance in the Government will prevent abuses and calamitous negligence in some or other of the gangs. The stations are remote and unobserved. It is the interest of the superintendents to conceal and overlook shocking offences. In most cases, the officers of the gangs will be more anxious to save money, in order to leave so revolting a service, or to live without trouble, than to detect crime, and to watch the secret and private habits of the men."

Mr. Pitcairn stated, in his letter, that two men in one of the gangs had lately been hung for a rape on a convict boy—that a particular disease had been caused among the convicts by the crimes alluded to by Mr. Fry—and that a colonial surgeon, Dr. Motherwell, now in this country, had had three hundred cases of it under his care. Sir E. Wilmot, in consequence of these statements, caused a surgical examination to be made of the convicts, and it was found, that at the station of the coal mines, where about 550 convicts were assembled, no less than twenty men were suffering from disease produced by unnatural crime. At Impression Bay, there were likewise twenty cases of similar disease among 450 convicts. At the other stations, the amount of disease was less; but at the majority of the stations, the surgeons reported that there were appearances of unnatural offences having been committed. Unnatural crimes seem likewise to have prevailed among the female convicts. The despatch upon this subject, from Sir Eardley Wilmot to Lord Stanley has not been published. But Mr. Gladstone refers to it in his last public despatch to Sir Eardley Wilmot, and expresses his surprise at the negligence of that officer, because, after

—"the most horrible and revolting accounts of the state of morals among a portion of the female convicts" which Sir Eardley Wilmot had transmitted to Lord Stanley, "he (Sir Eardley Wilmot) had never followed up that statement, either by a detail of remedial measures, or by tendering suggestions of that character for the consideration of Her Majesty's Government."

In confirmation of these statements, I may refer to an address to the Bishop of Tasmania, which has lately been laid before the House. That address is signed by the Archdeacon and twenty-four clergymen of Van Diemen's Land, a very large portion of the clergy of that diocese. They state that they are convinced, that in the gangs of convicts throughout the diocese, unnatural crimes are committed to a dreadful extent; and they earnestly implore that the probation system may be discontinued. I will say no more on this subject. I predicted that any system similar to that of the probation gangs would prove a failure in the penal colonies. That system has failed, and for the following reasons. It was impossible to obtain efficient superintendence over such gangs; it was impracticable to provide proper employment for them; there was no sufficient demand for the labour of the pass-holder and ticket-of-leave-men; the labour market was overstocked; the industrious, respectable, and free, emigrated; the convict population acquired the preponderance, congregated together in gangs, all of one sex, without proper separation and superintendence: the consequences were such as I need not repeat. Transportation to Van Diemen's Land is now discontinued, and I trust to God, for ever. Now, with regard to Norfolk Island: Three systems of punishment have of late years been successively employed in Norfolk Island. They may be described as the cruel, the indulgent, and the lax. The cruel system existed previous to the report of the Transportation Committee; the indulgent system was the offspring of the noble Lord the Member for the city of London; and the lax belonged to Lord Stanley. First, with regard to the cruel system. Under it, according to the report of the Transportation Committee, the condition of the convict in Norfolk Island was one of unmitigated wretchedness. The Chief Justice of Australia stated, that

—"suffering was carried to such an extent as to render death desirable, and to induce many prisoners to seek it under the most appalling aspects."

He quoted cases in which the convicts at Norfolk Island had committed crime in order to be executed, and he declared that

—"he would prefer death, under any form, rather than such a state of endurance as that of a convict at Norfolk Island."

What were the moral consequences of such a system? The Rev. R. Stiles, in a report to Lord Glenelg, stated that

—"blasphemy, rage, mutual hatred, and the unrestrained indulgence of unnatural lust, were the things with which a short residence in the prison wards of Norfolk Island, must necessarily familiarise the convict."

In consequence of the cruel system, attempts at mutiny have not been uncommon in Norfolk Island. In 1834, a mutiny took place, which was nearly successful. In the struggle, nine convicts were killed. Twenty-nine were subsequently condemned to death, and eleven executed. This was the cruel system. For the cruel system, the noble Lord the Member for the city of London substituted the indulgent one, under Captain Maconochie, who was its author. According to that system, the convicts were in the first instance to undergo positive punishment for a certain period of time. At the expiration of that period, they were to be associated together in parties of six or eight individuals. Each individual was to be held responsible, not only for his own conduct, but for the conduct of his associates. If the conduct of the convict was good, he obtained a certain number of marks of good conduct. In proportion as the convict obtained a greater and greater number of these marks, he was entitled to greater and greater indulgences. First, he was to be rendered independent of his associates; secondly, he might obtain a ticket of leave; and, ultimately, he might procure his pardon. I will not deny, that in a proper place, and under proper superintendence, some good might not result from some modification of this system; but in Norfolk Island, and under Captain Maconochie, it was certain to prove a failure. I presumed to make this statement to the noble Lord in 1840; and I think the noble Lord soon discovered that I was in the right; for in a despatch, dated November, 1840, the noble Lord authorized Sir George Gipps, the Governor of New South Wales, to supersede Captain Maconochie. The noble Lord's reasons for so doing, were certain statements contained in a despatch of Sir George Gipps, in which Sir George stated that Captain Maconochie had disregarded all the instructions given to him, and within a few weeks after his arrival in Norfolk Island, had abolished all distinctions between the two classes of convicts in Norfolk Island; he had extended equally to all a system of extreme indulgence, and held out hopes to them, almost indiscriminately, of being speedily restored to freedom; he had entirely overlooked the instructions—that a fixed period of imprisonment should, in the first instance, be allotted for the punishment of the crime for which the prisoner had been convicted; and he had disregarded equally the effects which so great a change of discipline at Norfolk Island was calculated to produce on the large convict population of New South Wales. Sir George Gipps likewise stated, that no attention whatever had been paid by Captain Maconochie to his communications; but on the contrary, within a few days after the receipt of them, the whole convict population of the island had been, on the occasion of Her Majesty's birthday, regaled with punch, and entertained with the performance of a play. Captain Maconochie was not, however, superseded, and he was allowed to continue his experiment for a period of nearly four years. About the end of this period, in March, 1843, Sir George Gipps thought it necessary to pay a visit of inspection to Norfolk Island. His despatch of April seems to me to contain a temperate and impartial account of the result of Captain Maconochie's experiment. I will state the substance of it. Though Sir George Gipps's arrival was unexpected, he found that good order everywhere prevailed, and that the demeanour of the prisoners was respectful and quiet. He describes two classes of convicts at Norfolk Island: first, the new hands, or experimental prisoners, who had been sent there for the express purpose of being subjected to Captain Maconochie's peculiar system of discipline; secondly, the old hands, or doubly-convicted convicts, who had been re-transported from the Australian colonies. Sir George Gipps stated that the mortality amongst the experimental prisoners had been unusually large, even for convicts; in three years one-ninth of them had perished; their general appearance was inferior to that of the old hands. With regard to their moral improvement, it was difficult for Sir George Gipps to speak with any degree of certainty: gambling was prevalent amongst them—they had become familiarised with unnatural crime—that crime was likewise on the increase among them; and, strange to say, it was far more common among Captain Maconochie's experimental prisoners than the old hands. According to different estimates, from one-eighth to one-twentieth of them were addicted to it; and the consequences were loathsome diseases. Sir George Gipps likewise reported, that in fact Captain Maconochie's original system had never been put in practice; that Captain Maconochie, from his peculiar disposition and habits of thought, was unable to bring it into effect; that the only portion of that system which had been tried—that of the mutual responsibility of the convicts—had, according to Captain Maconochie's own acknowledgment, proved a failure; and, lastly, that notwithstanding Captain Maconochie's aversion to the infliction of positive punishment, he had at length been obliged to have recourse to the lash and the chain. It is but fair to add that Sir George Gipps expressed unqualified approbation of Captain Maconochie's management of the old hands; and, from the tenor of his despatch, it is evident that he was not inclined to deprive Captain Maconochie of that management. It is but fair, likewise, to Captain Maconochie's successor to state, that competent authorities have considered that the dreadful results to which I shall now refer, were the necessary consequences of what they considered to be the erroneous notions of Captain Maconochie with regard to convict discipline. Meanwhile Lord Stanley superseded Captain Maconochie. Lord Stanley determined to place Norfolk Island under the jurisdiction of Van Diemen's Land, and he appointed Major Childs superintendent of that island, with detailed instructions, it is said, as to his conduct. Under that gentleman commenced what I have termed the lax system. He arrived in Norfolk Island in February, 1844; and for two years nothing seems to have been known of his conduct, either in this country or in Van Diemen's Land, except from his own account. About the expiration of that period, strange rumours with regard to Norfolk Island reached this country, and probably Van Diemen's Land. For in 1846, Mr. Stewart, an experienced magistrate of the convict department of Van Diemen's Land, was sent to investigate the state of Norfolk Island. Here is his report on the subject. It is simply a description of a hell on earth—no discipline—unbridled and unnatural lust—insolence and insubordination without parallel in the universe. In order to form a notion of this dwelling-place of fiends, the whole of the report should be read by hon. Members. I will merely select an extract or two from it. Here is a description of some hundred convicts at work at a crank-mill:—

> "A more disorderly, riotous, and unseemly exhibition I never witnessed; the men are engaged in one incessant alternation of shouting, whistling, yelling, hooting, screeching, &c., of the loudest description, and the use of the most offensive and disgusting language; they can see through the windows all the passers by; and these, especially officers (as the commandant's office is immediately contiguous), are greeted either by excessive shouting and cheering, or by hooting and yelling *ab libitum.* Not any attempt appears to be made to subdue this unseemly indulgence; indeed the practice appears established, and excused as the manner in which the men incite each other to exertion. This is the explanation Major Childs afforded me."

Here is the description of the arrival of a party of convicts from England:—

> "On landing the prisoners, those intended for removal to Cascade station, were, for protection, placed during the day time in one of the wards; the ward was entered by a body of twenty or thirty convicts, the lock having been picked, and the work of plunder, of ordinary occurrence, I may say, almost invariable on such occasions, commenced. Knocking down the men and rifling them had begun, when assistance arrived in time to check it; but, strange to say, not one of the offenders was secured or even identified, though the barracks stands in a square enclosed by walls, and two watchmen are stationed at the gates."

On the occasion of the landing of another party of convicts the men were ordered to bathe, and were marched to the seaside for that purpose, escorted by constables. A considerable number of men from the settlement rushed upon them, seized their clothes, and plundered them, notwithstanding the efforts of the constabulary. Here is an account of a visit which Mr. Stuart paid unexpectedly to the sleeping wards of the convicts:—

> "On the doors being opened, men were scrambling into their own beds from others, in a hurried manner, concealment being evidently their object. It was very evident that the wardsmen, not being liable to supervision, nor having any external support, did not exercise any authority, and were mere passive spectators of irregularity, which prevails here to an enormous amount. How can anything else be expected? Here are 800 men immured from six o'clock in the evening until sunrise on the following morning, variously by hundreds, sixties, forties, thirties, &c., without lights, without visitation by the officers, or the check that even liability to these would produce. It is my painful duty (he says) to state that I am informed—and of the truth of the information I entertain no doubt—that atrocities of the most shocking, odious character, are there perpetrated; and that unnatural crime is indulged in to excess; that the young have no chance of escaping from abuse; and that even forcible violation is resorted to. To resist, can hardly be expected in a situation so utterly removed from, and lamentably destitute of, protection. A terrorism is sternly and resolutely maintained to revenge not merely exposure, but even complaint; and threats of murder, too likely to be carried into effect, from the violent, desperate characters here associated, are made more alarming by the general practice of carrying knives."

Now, only one statement more with regard to Norfolk Island. In consequence of some observations which had fallen from Mr. Stuart, Major Childs hastily determined to adopt a more rigorous system; yet, with extraordinary negligence, he took no precautions against an outbreak. He ordered the knives and cooking utensils of the convicts to be secretly removed by night. The next morning the convicts discovered the treachery (for treachery it was) that had been practised upon them. They immediately broke open the building which contained their property; they attacked the officers and the police, and in the most brutal manner murdered one overseer and three convict constables; and had not a small body of troops arrived a few days afterwards from Van Diemen's Land, in all probability the convicts would have overcome the civil officers and the military, and slaughtered every one of them. Mr. Latrobe likewise confirms the accuracy of Mr. Stuart's report with regard to Norfolk Island, and encloses another report from Mr. Price, the present commandant at Norfolk Island. In that report, Mr. Price gives a fuller explanation of the causes which led to the outbreak. The explanation is a horrible one; but I feel it my painful duty to make the House understand the question, Mr. Price writes to the following effect:—

> "In the removing of the cooking utensils from the prisoners, I cannot see a sufficient reason for the murderous outbreak of July last, except in what I gathered from the lips of some of the murderers prior to their deaths. Horrible though it be, I consider that I am bound to make known to you what I learnt from them shortly before their execution. Many of these wretched beings acknowledged to me that for years, indeed almost from their first conviction, they had been given to unnatural practices, declaring that the crime prevailed to a great extent both in Van Diemen's Land and in this island; and from one I learnt that those who pandered to their passions were paid in tobacco, extra provisions, fancy articles made for them, and any indulgences they could obtain, to induce them to yield to their brutal desires. That by their being deprived of their cooking utensils, they would have been unable to prepare the food they might surreptitiously obtain for the objects of their lusts, and that this aroused their savage and ferocious passions to a pitch of madness. This is the tale of a man about to die. The relation of these abominable practices came from men who knew they must in a few days be numbered with the dead: and I have no reason to doubt the disgusting and horrible confession.
>
> "The address of another to myself, on entering his cell, was to this effect:—For as you value your soul, separate, both here and at Van Diemen's Land, as much as possible my class of people. We are nearly all given to unnatural practices. I have witnessed scenes that you would not believe were I to recount them. No check can be given to it but by separating the men as much as possible; and I beseech you to use your best endeavours to let the men sleep in the cells."

And with regard to the outbreak, Mr. Price states that it

> —"would not have taken place to the extent it did, had Major Childs, with the military at his disposal, adopted such measures as the furious conduct of the convicts rendered imperatively necessary."

From the information which I acquired as chairman of the Transportation Committee, I ventured seven years ago to predict what would be the consequences of continuing any portion of that system of punishment. My predictions were disregarded, and being disregarded, I hoped they would prove erroneous. It was with horror, therefore, that I found in the papers laid this Session upon the Table of the House, that every one of these predictions had been fulfilled to the letter. I have always objected to transportation, on the grounds that on account of the distance from this country at which that punishment is administered, the people of this country and their representatives in Parliament can seldom or never have any knowledge of the manner in which it is administered. Consequently, the authorities both at home and in the colonies who are intrusted with its administration are virtually irresponsible. The home authorities are rarely, if ever, cited before the tribunal of public opinion, however negligent their conduct may be. They can likewise exercise but little control over the conduct of their subordinates at the antipodes. They are obliged to trust almost entirely to the discretion of these subordinates. Frequent inspection is impossible. The most lamentable abuses may be concealed for years, and when discovered, a year is frequently required to apply a remedy—the ordinary consequences of official irresponsibility, negligence, and neglect. Of such negligence and neglect, the history of transportation under Lord Stanley is a striking instance—of negligence on the part of a Secretary of State for the Colonies—of neglect on the part of the Governor of a penal colony—and of worse than negligence or neglect on the part of a functionary entrusted with a most important office. For two years Major Childs had the uncontrolled charge of nearly two thousand convicts; if those convicts had been in England, Major Childs could not have retained that office for more than as many weeks. At the end of two years Sir Eardley Wilmot thought proper to make some inquiries as to how matters were going on under his subordinate in Norfolk Island; and when he at last discovered that nothing could be worse, he dismissed Major Childs. Again, for three whole years Sir Eardley Wilmot neglected to inform Lord Stanley of the state of Van Diemen's Land. At the expiration of those three years Lord Stanley awoke as it were from a trance—began to wonder how his new system of punishment was going on, and why he had heard nothing on the subject. The result of his inquiries induced his successor, Mr. Gladstone, immediately to dismiss Sir Eardley Wilmot. In saying this I do not refer to the charges which have been brought against the private character of Sir Eardley Wilmot, for those charges have not been substantiated; but I refer to the charges contained in the despatches of Lord Stanley and Mr. Gladstone of negligence and inattention. As for Lord Stanley, he was as guilty of negligence, and as deserving of being dismissed as either of his subordinates. I wish the noble Lord were still a Member of this House, that I might say this in his presence. But though he be absent, I feel that I am entitled, as a representative of the people, to take this, the earliest possible opportunity, of calling the noble Lord to account for his conduct when he was a responsible Minister of the Crown. For four years the noble Lord was Secretary of State for the Colonies. During that period, I accuse the noble Lord of negligence in appointing officers who have proved themselves unfit for the trust which he reposed in them. I accuse him of neglect in not watching over the conduct of those officers, and allowing years to elapse without receiving from them the information which he ought to have required. I charge him with the consequences of his negligence and neglect, with the existence of a state of things in Norfolk Island and Van Diemen's Land so horrible and so disgusting, that if a convulsion of nature were to sweep those communities from the face of the earth, it would be a matter for rejoicing rather than for lamentation. I speak in the presence of some who are the friends, and others who were the colleagues of Lord Stanley. Let them defend his conduct as Colonial Secretary if they can. I defy them to do so. I think I have succeeded in establishing my original position, that transportation ought to be abolished. The question now is, what should be substituted for it? What is the best mode of dealing with offenders against the law? In dealing with such persons, the only object of the Legislature is to prevent crime. For this purpose, according to Mr. Bentham, and other high authorities, the offender should be subjected to a certain amount of positive suffering, or punishment properly so called. The amount of punishment should depend upon the nature of the offence, and should be inflicted not in anger or revenge, but as a warning and example, with the view of deterring both the offender himself and all other persons from transgressing the law. The punishment should, if possible, be of such a description, or accompanied with such measures, as shall tend to improve the moral character of the offender, and to render him unwilling to commit fresh offences, so that punishment should be for an example to all men, and for the reformation of the individual offenders. To this doctrine some persons, and amongst them a noble ex-Chancellor (Lord Brougham), raise objections on the following grounds: They contend that punishment to be effectual as a means of deterring from crime, should follow certainly and immediately upon the commission of an offence; but no punishment, they say, can be either certain or immediate, therefore no punishment can have any real effect in preventing crime. In proof of this position they allege that the majority of offences, especially of those against property, pass unpunished; that a large portion of the offenders who came under the cognizance of the courts of justice have experienced the effects of punishment, and been undeterred by it; that the majority of those who transgress the law belong to the class of habitual criminals, men bred in crime, living by crime, whose only industry is crime, and who are constantly issuing from and returning to the gaols and other places of banishment; that the remainder are casual criminals, who, under the influence of some strong and overpowering motive, disobey the law; that those persons, though criminal, are not necessarily depraved ones; that in many cases they might easily be reclaimed; but the effect of inflicting punishment upon them is to degrade and demoralise them, and to force them into the class of habitual criminals. Upon these grounds the noble Lord and others maintain, first, that punishment has no effect in deterring from crime; and, secondly, that it ought not to be inflicted upon offenders, but that offenders should merely be subjected to a species of educational restraint, with the view of reforming them, which restraint should continue till their reformation be effected. With regard to the first of these positions, that punishment has no effect in preventing crime, the argument is simply this—numerous crimes, it is said, are committed, many of them by persons who have experienced the effects of punishment; thence it is attempted to be inferred that few or no persons are deterred from crime by the fear of punishment. The inference is evidently an illogical one; the only logical inference is, that some persons, and especially old offenders, are not deterred from crime by the fear of punishment; but it does not follow that ten times or ten thousand times that number, have not in the first instance been prevented from becoming criminals by the fear of punishment. It must be borne in mind that we have only a record of cases in which the threat of punishment has been ineffectual; there is no record, and there can be no record, of the cases in which the threat has been effectual. If the number of cases in which the threat of punishment has prevented crime, were ten times or ten thousand times more numerous than those of a contrary character, yet of the former we should rarely, if ever, have any direct evidence, though of the latter we should have, in almost every instance, ample and sufficient proof. Therefore, from the facts to which I have referred, no strictly logical inference can be drawn as to the efficacy or inefficacy of punishment in preventing crime. In order to determine this question, other considerations should be taken into account. When I consider that daily experience proves that the dread of evil is one of the readiest and most potent means of determining the conduct of men, I cannot doubt that the fear of punishment tends to prevent crime. It may not have that effect to any considerable extent with habitual criminals, or with those who have been demoralised by a bad punishment, though in all probability it makes them more cautious about committing crimes, therefore induces them to commit both fewer crimes and crimes of lesser magnitude, to which lesser punishments are attached. But in my opinion, the fear of punishment chiefly influences the half-vicious and the half-moral, the weak, the wavering, and the uncertain, who compose a very large class in every community, and to whom the menaces of the Legislature supply a powerful and constant motive from without to induce obedience to the laws. I feel persuaded, therefore, that in no community which exists, or as yet has existed, can positive punishment be dispensed with; but the facts which I have mentioned undoubtedly prove, that in addition to positive punishment the Legislature should employ other means of combating crime. Those means must be of an educational character. I do not now speak of general education; though I believe (as I said the other night) that in order successfully to combat crime, not only good gaols, good gaolers, and a good system of punishment are necessary, but good schools, good schoolmasters, and a good system of education, are still more necessary. I speak of education, or rather moral training, with regard to offenders, and especially with regard to persons who are likely to become offenders. I will explain what I mean. I have already said that the majority of crimes are committed by habitual criminals, who form in every community a criminal caste. The children of these persons constitute the rising generation of criminals—the future population of the gaols, the penitentiaries, and the penal colonies. They are nurtured in crime, and familiarised from their earliest youth with scenes and tales of crime; they receive, in short, a criminal education, and learn a criminal morality: the inevitable consequence is they become criminals; in their turn beget fresh criminals, and perpetuate the noxious breed. Now if the Legislature wished to put a stop to crime at one of its chief sources, it must direct its attention to these children: it should seize them, separate them from their parents, and educate them in respect and obedience to the law. This subject is one which well deserves the attention of the Government. I will not further discuss it at the present moment, but will confine myself to the question now especially before the House, namely, of the best mode of dealing with convicted offenders. When I proposed to the noble Lord the Member for the city of London to abolish transportation, I recommended him to employ in its stead some one or more forms of the penitentiary system. And I stated that in my opinion the best form was that which was originally suggested by Mr. Bentham, as preferable to the formation of a penal colony in Botany Bay—I mean the separate system. According to that system, offenders should never be permitted to associate together; they should be visited by persons whose duty it should be to afford them moral and religious instruction; and they should be permitted, not compelled, to work. This system of punishment appears to me to be the best that has hitherto been devised for the threefold purpose of punishing an offender, preventing his further demoralisation during the period of punishment, and improving, as far as possible, his moral character. First, as a punishment, it appears a most formidable one to the vicious and ill-disposed; but in proportion as the moral character of the offender improves, the suffering diminishes in intensity. Secondly, it prevents the utter demoralisation of the lesser offenders and casual criminals, which is the almost inevitable result of permitting them to associate with the habitual criminals or with each other. Thirdly, it breaks through the vicious habits of the criminal, changes entirely his train of thought, affords him opportunity for reflection, brings him in contact with properly chosen instructors, and thus tends to improve his moral character; and, lastly, under this system, arbitrary punishments are not required to preserve discipline and enforce labour; labour becomes a source of enjoyment, and the culprit is prepared for a subsequent life of honest industry. Two objections have been raised to the separate system. One is on the score of expense. On a former occasion I attempted to prove that the separate system would not be more expensive than transportation would become when the assignment system was abolished. I will not trouble the House with repeating the calculations. I do not, however, pretend that the separate system will be a cheap punishment. I consider that all our attempts at cheap punishments have been failures, and the results have been bad and expensive punishments. And I contend, in an economical point of view, a bad punishment, though it may be cheaply inflicted, is in the end more expensive than a good punishment, the immediate cost of which may be somewhat greater: for a bad punishment demoralises the offender, and returns him to society a worse criminal than before. He continues, therefore, his career of crime, and lives by crime; and it is evident that even leaving out of consideration the cost of the subsequent punishment of the offender, the pecuniary damage which would be done to the community by a life of crime would soon far exceed the cost of the most expensive punishment; therefore I believe that however great may be the direct cost of a really good system of punishment, the community would ultimately be the gainer by it even in a pecuniary point of view. The other objection to the separate system is, that by secluding the offender, it affects his health, tends to impair his mental energies, and thus disqualifies him for an active life at the termination of his punishment. Now I do not pretend that the separate system is a perfect punishment, or even the best possible punishment. I hope that future experience and careful observation will discover the means of greatly improving it. I only contend that it is better than any other known system of punishment. With regard to its effects on the health of the culprit, I have no doubt that a sudden change from a life of vicious and uncontrolled indulgence, to the quiet restraint of a well-conducted prison, is likely to be injurious to the health of very many criminals. But then, I ask, would any one propose that this transition should be gradually made? The real question is, whether the separate system is more injurious to health than other systems of punishment. The contrary, I believe, is the fact. Experience proves that every system of punishment, every mode of inflicting pain, is injurious to the health of some of the punished. The mortality among convicts is generally higher than the average; in Norfolk Island one-ninth of the new convicts died in the course of the year, under the indulgent system of Captain Maconochie. It may likewise be true that, in certain cases, the separate system tends to impair the mental energies of the convict, and to unfit him for an active life of industry. But, on the other hand, every other system of punishment tends to brutalise and demoralise the convict, and to fit him only for an active life of crime. For these reasons it appears to me that the defects of the separate system are both less in degree and less in kind than the defects of any other system of punishment. I acknowledge, however, that every effort consistent with the great end of punishment, should be made to obviate these defects; and I believe they may be prevented by precautionary attention and proper care on the part of the medical officers who should be appointed to every penitentiary. The Government has taken the separate system as the basis of its substitute for transportation, with certain additions, for the purpose of obviating the defects to which I have referred. The Government proposes, in the first instance, to subject the offender to the discipline of the separate system, with the view of reforming his character, and subsequently to employ him on public works, in order to re-accustom him to the society of his fellow-beings, and thus to prepare him for the active life of the world. I am much afraid that, unless the greatest possible care be taken, this association of offenders on the public works will neutralise and destroy the reformatory effects of the separate system; however, as it is a mere adjunct of that system—an experiment which can easily be discontinued if it fail, while if it succeed, it will obviate one of the strongest objections to the separate system, I shall refrain from offering any opposition to it. The last question is, what is to become of the offender at the expiration of his punishment? In this country, when the labour market is so frequently overstocked, it is difficult for a liberated offender to find employment; and the consequence is, that he is sometimes almost compelled to have recourse to crime as a means of subsistence. Therefore it appears to me that a system of punishment is incomplete, which does not make some provision for the future career of the culprit at the termination of his punishment. What that provision should be, is a difficult question to answer. The Archbishop of Dublin, whom I consider to be the highest authority on all matters connected with this subject, proposed for this purpose that liberated offenders, who should be willing to emigrate, should be furnished with the means of conveyance to those colonies where they could easily find employment. They should on no account be all sent to the same place, for that would tend to reproduce the social and moral evils of transportation. But by dispersing them—by removing them from the scenes of their original transgressions—by separating them from those who knew they had been criminals, the good feelings and industrious habits which (it is to be hoped) they would acquire in confinement, would be strengthened, and a new career would be opened to them. From the papers laid on the Table of the House, it appears that the Government intended to adopt the plan, with the exception, that instead of the emigration being voluntary, it was to be compulsory. The more I consider this subject, the more I am inclined to doubt whether this alteration would be an improvement upon the plan of the Archbishop of Dublin. Consider what would be the results of a compulsory, as compared with a voluntary, emigration of liberated offenders. If the emigration be compulsory, it becomes a punishment, liable, though in a lesser degree, to many of the objections which have been urged to transportation, and of which it would be a remnant. As a punishment, it would be a very severe one to some offenders—of little or no importance to others. With compulsory emigration, the unreformed as well as the reformed, the bad as well as the good, would equally be banished. Where are they to be sent? If sent all to the same place, they would form a criminal caste, and reproduce many of the social evils of transportation. On the other hand, it would be very difficult to disperse them. Many of the colonies—for instance, the North American ones—would be unwilling to receive them; and I doubt whether it would be prudent or politic to force them upon Canada. They must be sent, therefore, to colonies that are either too weak to complain with success, or to colonies that would be willing to receive them. But the only colonies (if any there are) that would be at all willing to receive banished offenders, would be the penal colonies; and this is very doubtful, for it appears from the papers to which I have already referred, that New South Wales would only submit to it with extreme reluctance, and on conditions very burdensome to this country. Now the penal colonies are the very last places to which liberated offenders ought to be sent, for they are the least adapted for the permanent reformation and continued good conduct of such; for in those colonies the standard of morality is at the lowest. In them there exists a numerous criminal caste, which the liberated offender would in all probability be compelled to join and recruit. These appear to me very solid objections to the compulsory emigration of liberated offenders. On the other hand, if the emigration be voluntary, most of the liberated offenders who would willingly emigrate, would be those who have been reformed by their punishment, who would be desirous of pursuing a life of honest industry, and who would be afraid of not finding employment in this country. The liberated offenders who would not emigrate without compulsion would generally be the unreformed, who would in all probability continue criminals, and live a life of crime, whether in this country or in the colonies. If they remain in this country, they would return again and again to our gaols; if they are sent to the colonies, they would fill the colonial gaols. Now, I contend that we ought not to shovel out our worst criminals upon the colonies: by so doing we do not diminish the sum total of crime in the British dominions, we only alter its location, and lay the heaviest burden upon the weaker portions of the empire. The utmost which the Legislature ought to do is to open a career for the liberated offender in any part of its dominions; and if he be willing to accept of such an opening, it will be a strong proof of the beneficial moral effects which the punishment has had upon his character, and will hold out a fair hope of his becoming a useful citizen. I feel it, therefore, my duty to protest, in the name of the colonies, against the compulsory emigration of liberated offenders. But it appears from the speech of the right hon. Baronet the Member for Devonport, that another, and in my opinion, a worse alteration in the plan of the Archbishop of Dublin, is intended by the Government. Not only are liberated offenders to be compelled to emigrate to the Australian colonies, but they are to be treated in those colonies as convicts; they are to be marked out and distinguished from the rest of the inhabitants under the designation of ticket-of-leave men; and they are to be subjected to the special control and supervision of the colonial authorities, who are to determine in what places they are to reside. They will constitute, therefore, a separate class—an inferior, a degraded, and a convict caste—and will bring into discredit those industrial occupations in which they will be chiefly employed. In order to palliate the moral evils which are certain to ensue, the right hon. Baronet says, that free emigrants are to be conveyed to the colony at the expense of this country. Now, let me ask, are equal numbers of the two sexes to be sent to the colony? As the number of convict men many times exceeds that of convict women, is the proportion of the sexes to be made equal by the emigration of a greater number of free women? Will respectable free emigrants, especially women, consent to be made the companions of convicts? What will be the cost of this system of conjoined transportation and emigration? Will it be wise to confound the two together, especially at present, when so much importance is attached to colonisation? Again, are the ticket-of-leave men to be herded together within narrow limits, so as to be more easily under the control of the Government? If so, they will form a plague spot, a second Norfolk Island. Or are they to be dispersed over the colony? If dispersed over the colony—over an area much greater than that of the United Kingdoms—what efficient control can be exerted over them? What use, then, in degrading them by the designation of ticket-of-leave men? None whatever. Again, will the inhabitants of New South Wales consent to this renewal of transportation? The House should bear in mind, that when transportation was discontinued to New South Wales, an implied promise was given, that it should not be renewed without the consent of the colonists. And consequently, last year, when Mr. Gladstone wished to renew transportation, he felt it his duty to desire the Governor of New South Wales to ascertain the opinions of the colonists upon the subject. I have already stated, that the Committee of the Legislative Council, to whom the question was referred, reported as their opinion, that the majority of the colonists were decidedly averse to the renewal of transportation in any shape; and that they would only submit to it as a choice of evils, and on conditions very burdensome to this country. To renew transportation without the consent of the colonists, would be a breach of faith; and I feel confident that I speak in the name of a majority of the inhabitants of New South Wales, when I say, that they do not, and will not, consent to the plan of the Government. I beg hon. Members to satisfy themselves upon this subject, by reading attentively the report of the Legislative Council, and the various petitions from New South Wales, with regard to the renewal of transportation. I am obliged to the House for the indulgence it has shown me. I support the measure of the Government, in so far as it discontinues transportation, and substitutes in its stead the separate system of punishment, which appears to me to be more in accordance with the feelings and knowledge of the age; and which, I trust and believe, careful observation and future experience will discover the means of greatly improving. I object to that portion of the measure of the Government, which continues or renews any portion of transportation. I predict the worst consequences from it; and I solemnly entreat the Government not again to disregard my predictions with reference to transportation.

Mr. BANKES acknowledged the great importance of the subject, but he could not consent to the further progress of these Bills, because he believed the Government took an erroneous view of the subject, and treated it an unconstitutional manner. He did not think it expedient that the Royal prerogative should be exercised in any but a direct and express manner. It was strange that those Bills, which, on the face and title of them, bore so little show of importance, should, in reality, involve a vast power. The right hon. Gentleman the Home Secretary had made a clear and luminous statement, as a statement, but which he took the liberty of saying had very little application to those Bills. With regard to one of these Bills—the one which was called a Bill for the better Custody of Offenders—it amounted to very little. The first clause gave a power to transport Irish offenders into England; and the second provided that offenders subject to transportation might be removed from one prison to another; and that was all of an Act called, "An Act to Amend the Law relating to the Custody of Offenders." With regard to the other, the title was more limited, but its powers were more extensive. It professed to be an Act for the better government of the Milbank, Pentonville, and Parkhurst prisons; but, on listening to the statement of the right hon. Baronet, and reading carefully the Bill, it would be found that its operation extended over every gaol in the kingdom, every one of which would be subject to a power now first created. The control, now the high privilege of the Secretary of State, would then be vested in the Commission appointed by this Bill. He viewed the powers conferred by this Bill with surprise and apprehension. There were Commissioners —not more than eleven or less than seven —appointed by the Bill for the government of prisons, and whom, as the Act stated, the Crown might from time to time remove and appoint others in their places. This government of "national prisons" extended, in reality, to every prison in the kingdom; and this Commission not only took upon itself to exercise the high powers now vested in the Home Secretary, but was to supersede all those powers which for a long period of years had been vested—he believed without abuse—in the magistracy of this kingdom. Those were all to be superseded. [Sir G. GREY: No!] His right hon. Friend said that was a mistake; but he would prove that all the mistake was on the side of the Government. The right hon. Gentleman's remark proved that what he had said on a former occasion was true—that the Ministers had so much to do that they had not time to read the Bills prepared by their subordinates; and he would show that the Bills now before them contained provisions, and an amount of patronage, which the right hon. Gentleman himself would not sanction when it was brought under his notice. He assured his right hon. Friend that there was in the Bills a creation of patronage to an extent which would surprise him; not a mere change of officers, but a new creation under the powers of the Bill. He had been accused of finding fault with the patronage of the Crown; but he thought he was scarcely liable to the charge of wishing to reduce its powers. Its patronage had been much reduced in modern times, and he regretted it; but he thought, notwithstanding, that he had a right to find fault with the patronage of a party. When that party was in opposition, it cut down the Government patronage as much as possible; but when it came into power, it created patronage, and called it filling up vacancies. But they made the vacancies "for the public good," as they said; and when anything was said of these creations, they replied that they had no higher degree of patronage than was common in former times. But if hon. Members looked closely at the Bill, they would find that secretaries, clerks, and subordinate officers—and he recommended this especially to the notice of the hon. Member for Montrose, who would find that his Friends on that side of the House had a little deceived his vigilance in that and some other matters he should offer to the notice of the House —a set of new officers were provided by Clause 4. Yes, the clause said, that there should be a secretary, and sub-clerks, and servants as they should think necessary, subject to the appointment and removal—that was the perfection of patronage—of the Commissioners. Then, the next clause fixed a salary of the Chief Commissioner; and with that he must find fault; for if they were to have such an officer, who was to take the place in certain respects of the Secretary of State, 800*l.* a year was scarcely sufficient. But with the clerks and secretary there was no limit at all; and, of course, they would have plenty. These Commissioners were to have the appointments of all these prisons, and when the existing prisons all over the country become national prisons—that was, by being made use of for the custody of offenders for transportation—it would then be in the power of the Commissioners to turn out all the existing gaolers and officers, chaplain and all, only subject in the latter case—and that was the only restriction—to the approval of the bishop. It mattered not that these gaolers had been appointed, tried, and approved by the magistrates. And then came the question, when did they become national prisons? The right hon. Baronet had said that Wakefield had offered two wings of that prison for the accommodation of transported offenders, and, of course, those wings became a national prison; though, perhaps, possession of the wings might give a right to the whole. There must be two gaolers in Wakefield prison. Would they act cordially together? It was quite true, if the several counties chose to be obdurate, they might not be liable to this innovation; but, if that took place, what would become of this Government scheme, for it was all founded on the assumption that the county gaols would be the receptacles for those persons? It was quite true, they were going to make one of the counties of England a penal settlement. It was the county which he had the honour to represent; and they had entered into contracts for the building of temporary prisons to receive the convicts. What a delightful prospect was it not for the inhabitants of the island of Portland, to have those temporary buildings of wood and stone erected in their neighbourhood! He contended that, according to the natural construction of the Bill before the House, every prison, when it became the receptacle for convicts intended for transportation, became a national prison. If this were not the case, what was the object of the Bill, and what was the object of providing new guardians over the management of the prisons? The hon. Baronet who last spoke (Sir William Molesworth) had addressed himself to those particulars which, in his opinion, proved the entire failure of the present system of transportation. He would not follow the hon. Baronet through those particulars, because he believed there was no doubt that the system of transportation carried out had failed; but he must say that with regard to the attack which the hon. Baronet had made on Lord Stanley, the hon. Baronet was not actuated by a perfect spirit of fairness. The hon. Baronet said, that Lord Stanley, following after two experiments which had failed, namely, the experiments of cruelty and indulgence, both of which had signally failed — tried the third experiment, which failed also. Now, if the hon. Baronet's argument was right, that under no system could the principle of transportation succeed, how could Lord Stanley have failed? The hon. Baronet's accusation destroyed the force of his argument. He was quite ready to admit, that if, in the case of Lord Stanley, failure had attended the system, the failure could not be remedied; but at the same time, they ought to try whether some other efficacious principle might not be carried out. They ought also to consider that there were others whom it was their duty to regard on the score of humanity, and whom it was their province to protect. He confessed he had heard with apprehension the explanation which the right hon. Gentleman the Secretary of State for the Home Department had given as to the manner in which he would deal with those who were transported; for the effect of the Bill was, that in no case would the criminals be imprisoned in those national prisons for more than eighteen months; and what was afterwards to become of them? They were to be transported for twenty-four years, but under regulations which virtually curtailed the punishment by one-half; yet this was the sentence which was to be applied to those found guilty of the serious crimes of forgery, manslaughter, and the like. Looking at the question in all its bearings, he could not but consider that if the Government had made up their minds seriously to adopt a course so materially altering the regulations respecting criminal punishments, they ought to have introduced it by a Bill more specifically declaring what they intended to do. It should also be borne in mind that they adopted this course in direct opposition to the opinions of the highest authorities of the land. They ought boldly to assert their intention in an intelligible Act of Parliament, and not call upon the House to pass Acts of Parliament of doubtful interpretation. Under these circumstances, and feeling that the question of transportation required essential alteration, they were not necessarily obliged to pass Acts of Parliament of a doubtful nature. Feeling the Bill had essential defects, the party with whom he acted did fairly when they said, openly and candidly, that they refused to go into the discussion of the clauses of a Bill which they considered would be inoperative of good. He would oppose the Speaker's leaving the chair to go into Committee.

In answer to a question from Mr. G. W. HOPE,

SIR G. GREY said, that convicts, on their arrival in the colonies, would be in the same position as if they had obtained tickets of leave.

Debate adjourned.

House adjourned at a quarter to One.

HOUSE OF LORDS,

Friday, June 4, 1847.

MINUTES.] PETITIONS PRESENTED. From Stirling, and Glasgow, for the Repeal of the Bank Charter Act.—By Lord Faversham, from Guardians of the Wakefield Union, for the Repeal of the Poor Removal Act.—From Clayton West, and several other places, in favour of the Factories Bill.—By the Bishop of Oxford, from Clergy of Berks, and several other places, in favour of the Clergy Offences Act; and from Hastings, and Cambridge, for the Adoption of Measures for the Suppression of Seduction and Prostitution. — By the Marquess of Normanby, from Worcester, and several other places, for the Enactment of Sanitary Regulations.—From Ministers and Elders of the Presbytery of Dumbarton, against the Sale of Intoxicating Liquors.—From Bradford, in favour of the Government Plan of Education.

IRISH EMIGRATION.

LORD MONTEAGLE rose to move for the appointment of a Select Committee, on colonisation from Ireland, of which he had given notice. It was impossible to exaggerate the importance of the subject; it was one which, if properly carried out, would, in his opinion, be of incalculable benefit to that country as well as to Great Britain and to the colonies. He might perhaps be blamed for bringing forward a measure of such magnitude and importance at the present late period of the Session; but their Lordships would remember that he had given his notice many weeks back, and had postponed it, because he feared his motive might have been mistaken or misinterpreted, if he had sought to bring on his discussion pending their Lordships' deliberation on that most important measure, the Irish Poor Law. He did not propose emigration as a substitute for that Bill; still less did he seek to arrest the progress of the Poor Law by the Parliamentary tactics of interposing irrelevant matter. It was his own sincere conviction that a large measure of emigration was required in order to render the working of the Poor Law safe, or even practicable. But it was also expedient taken *per se*. Long before Parliament had lent any countenance to a Poor Law for Ireland—long before the out-door relief of the able-bodied had met with any acceptance—he had supported the necessity of applying a large measure of colonisation to the then existing state of things in Ireland. Nor did he stand alone in this opinion. He would prove to their Lordships that it had been repeatedly laid down by some of the most practical and eminent Parliamentary authorities, that it was essential to the success of any poor-law experiment in Ireland that a system of colonisation should be combined with it. It was also laid down that the measure was in itself wise and politic. The question was one which he brought forward in no spirit of hostility to the Government. It had never been so considered in former times. In Lord Liverpool's Government, a Motion like the present had not been considered as an attack on the Administration; nor yet under the Government of the Duke of Wellington. Like the Poor Law, it was considered neutral ground, on which all could meet in discussion who wished to improve the condition of the people. The Colonial Office ought not to take offence. While he had every reliance on the intentions of the noble Earl at the head of the Colonial Office, he did not feel equally confident that there existed within that department the full power of working out those practical details by which the question was encumbered. It was not possible that they could do so. Burdened as they were with business, having to deal with a population of between five and six millions of people, speaking different languages, obedient to different systems of law, overworked as they were, and undermanned, it was but natural that a question not immediately arising out of the ordinary and diurnal affairs of the Colonial Office should be undervalued or set aside. Besides which, the bearing of colonisation on home interests scarcely came within their range of duty. He would endeavour to avoid taking any course on the present occasion which could raise exaggerated expectations in the minds of parties out of doors, regarding the extent to which colonisation could safely be carried, or the amount of benefit which could be reaped from it. But, although it might not be wise to exaggerate these expectations, it was both wise and the duty of Parliament to see that emigration, on whatever scale it might be conducted, was conducted prudently and successfully. Whatever views he might entertain on the subject of emigration, he did not dream of recommending any thing to supersede the system of voluntary emigration which had been carried on, and was now in progress on a scale and to an extent which, a few years ago, would have been deemed incredible. Between the years 1825 and 1846, no fewer than 1,479,000 persons had emigrated from the United Kingdom to the British colonies and to the United States of America. In a great majority of instances, this emigration had been equally to the benefit of the mother country, of the colony, and of the emigrants themselves. But various and very important considerations suggested themselves as arising out of the peculiarities of this vast emigration. Out of the enormous amount which he had mentioned, he found that nearly one-half of the emigrants had settled in the United States of America. The question immediately arose, What was the cause that led so great a proportion of British emigrants to settle in a foreign country, under a foreign Government, in preference to fixing their destinies within the colonial possessions of our own empire? He believed that there were reasons discoverable to account for this course of proceeding—assignable motives, which a great and enlightened system of colonisation was perfectly capable of removing. Nor was the question to be determined exclusively one between our colonies and the United States. A further and a still more important question remained to be considered—a question all-important to this part of the United Kingdom. Emigration was now absolutely demanded by the present distressed state of the Irish population; and the question was simply, whether that stream of emigration ought to be directed to the shores of this country, or towards our colonial possessions? The tendency to immigration to this country on the part of the Irish people must undoubtedly continue till their condition was raised to the level of that of their English neighbours, or till a colonial emigration were encouraged. Let the population of both countries be placed upon a level, and from that moment a stop would be put to an immigration from Ireland which now threatened to destroy the comforts of the working population of England. The truth and importance of this proposition did not rest wholly on his authority; it was laid down, as an undeniable fact, in one of the late Mr. Wilmot Horton's excellent reports. In 1826 a Committee of the House of Commons reported as follows:—

> " The question of emigration from Ireland has been decided by the population itself. What remains is the question whether emigration shall be turned to the improvement of the colonies, or allowed to take what must otherwise be its inevitable course, to deluge Great Britain with poverty and wretchedness, and gradually, but certainly, to equalize the state of the English and Irish poor. One of two results appears inevitable; the Irish population must be raised towards the standard of the English, or the English depressed towards the Irish. The question whether an extensive plan of emigration shall or shall not be adopted resolves itself into the single point, whether the wheat-fed population of Great Britain shall or shall not be supplanted by the potato-fed population of Ireland."

This, which was true in 1826, was equally true at the present day. Indeed the existing calamity rendered it still more evident. Neither was Mr. Wilmot Horton's report the only authority on which he was enabled to rely. The same question had again, at a subsequent period, been made a subject of Parliamentary inquiry. In the Report on the State of Ireland in 1830 was to be found the following passage:—

> " Emigration, as a remedial measure, is more applicable to Ireland than to any other part of the empire. The main cause which produces the influx of Irish labourers into Great Britain is undoubtedly the higher rate of wages which prevails in one island than in the other. Emigration from Great Britain, if effectual as a remedy, must tend to raise the rate of wages here, and thus to increase the emigration of Irish labourers. Colonisation, on the contrary, by raising the rate of wages in the latter country, diminishes the inducement, and lessens the number of Irish labourers in the British market."

The subject of emigration was specifically introduced into the House of Commons by his noble Friend the present Secretary of State for the Colonies, when acting on behalf of Lord Grey's Government in 1830. The measures introduced, and the discussions which had taken place in 1831, fully proved how unanimous was the opinion entertained in Parliament of the necessity of accompanying any Poor Law for Ireland with a large and well-arranged system of colonisation. In 1831 the noble Lord now at the head of the Colonial Department expressed himself as follows:—

> " Before any measure could be introduced for the permanent relief of the poor in Ireland, it would be absolutely necessary to relieve that country from its superabundance of population. . . . The transfer of a part of our superabundant labourers to the colonies would be equally beneficial to all parties: to the labourer, by diminishing the overwhelming competition under which he now suffered; to the settler in the colonies, by affording him the means of more effectually cultivating his land; and both to this country and the colony, by relieving much of the distress now existing in the former, and by adding to the productive industry of the latter."

The noble Lord was supported in these views by the gallant Officer who had preceded him in the Colonial Office, and in support of his argument he was fortified by the evidence of Sir George Murray, who in the same debate had stated that—

> " He believed that emigration was the best mode of relieving distress at home, and of giving the overplus of population a facility of transfer to another country, where he was certain they could establish themselves in comfort and independence, and secure to their descendants prosperity and happiness."

His next authority was one which he was sure would carry with it the greatest weight. It was that of Lord Ashburton, who, as well acquainted with colonial as with British interests, expressed himself in 1831 to the following effect:—

> " He thought that the future welfare of this country, and of her labouring population, depended on the solution of the question of emigration. . . . It was said that the poor should be left to emigrate if they thought fit. The answer was, that the poor, if left to themselves, could not emigrate. They had not the means to go across the Atlantic, however anxious they might be to escape from pauperism here to wealth and independence in America."

Nor were these opinions abandoned in later times. On the contrary, they were repeated and confirmed with the weight derived from further study and additional experience. Upon the occasion of Mr. Charles Buller's Motion upon this subject, in 1843, he found the noble Lord now at the head of the Colonial Department thus expressing himself:—

> "His opinion was strongly fixed that we were, it is true, on the right road, but that we had not made all the progress that was desirable. . . . He thought it of the greatest importance that emigration should be encouraged to a much greater extent than at present; he believed it was in the power of Her Majesty's Ministers to take measures that would give much greater extension to the system than it now possessed. Further inquiry on the subject, however conducted, could not be without great advantage—the inquiries of a Committee had already been productive of great advantage. . . Further inquiry by Committee or a Commission might be advantageous with a view to the selection of the most effectual means of giving increased vigour and extension to the existing system."

The evidence to which he had hitherto referred bore on the question of emigration generally; but there was evidence equally strong, and applicable specially to Ireland. The Poor Law Commission, over which his most rev. Friend (the Archbishop of Dublin) presided, had not overlooked this question. He begged permission to read the following passage from the Third Report of the Poor Law Commissioners:—

> "While we feel that relief should be provided for the impotent, we consider it due to the community, and to the labouring class in particular, that such of the able-bodied as may be unable to find employment should be secured support only through emigration, or as a preliminary to it. It is thus only that the market of labour can be relieved from the weight that is upon it, or the labourer be raised from his present prostrate state. Nor can we hope in the meanwhile to see such content, peace, and order established, as can alone encourage enterprise, or draw the capital of England to those commercial enterprises for which Ireland, if pacified, would afford so wide a field."

If he were not fearful of delaying their Lordships further, he would refer to the authority of Mr. George Nicholls, of Mr. Senior, and of Mr. Cornwall Lewis, which was equally strong, and to the same effect. He had thus exhibited one chain of evidence unbroken during twenty years. On the part of every one, statesman or philosopher, who had considered the question, he had shown a concurrence in the same conclusion, namely, the adoption and recommendation of systematic colonisation as a remedial measure of practical urgency. Nor were colonial authorities of great weight wanting. In 1839, Lord Durham expressed himself as follows:—

> "It is far from my purpose to discourage emigration to the North American colonies. On the contrary, I am satisfied that the chief value of those colonies to the mother country consists in their presenting a field where millions, even of those who are distressed at home, might be established in plenty and happiness. All the witnesses whose evidence I have quoted, are warm advocates of systematic emigration. I object, along with them, only to such emigration as now takes place without forethought, preparation, method, or system of any kind."

Lord Sydenham entertained, generally speaking, similar opinions. In his despatch to Lord John Russell, in 1841, he stated that—

> "Emigration, during the last year has greatly exceeded that of the last few years. The emigrants appear to have been universally well conducted, and several of them are possessed of considerable property. The great bulk have settled in these provinces, and there is every reason to expect that they will do well. . . . Emigration to America, however, holds out no brilliant prospects of rapid affluence; but, at the same time, it is secure, under proper management, from the risk of equally rapid failure. It is no lottery with a few exorbitant prizes, but a secure and certain investment, in which a prudent and sensible man may safely embark. It may be affirmed, that no industrious man ever failed, on this continent, to make an easy livelihood by his labour; that no capitalist with a fair share of agricultural knowledge, who has chosen to invest his money in purchase of land, has had reason to complain of insufficient return. Almost any labourer, with good conduct and perseverance, may in a few years become a landholder. These are results of perseverance, industry, and steadiness."

It was in the spirit of these opinions, and of these recommendations, that he brought forward his present Motion for a Committee upon the subject. He had submitted to their Lordships a series of precedents, in favour of which would be found the authority of Members of both sides of the House; for the question was one which had fortunately never been mixed up with party consideration or party distinctions. Another branch of the subject remained to be considered; and he would now proceed to state further grounds on which he thought that the House was bound to consider the question with peculiar earnestness, at the present time. Had there been no failure in the potato crop—were they now in the same position in which they had stood three years ago—he believed that their Lordships could hardly fail to honour with their support the Motion he submitted for their adoption. But how did the case actually stand? There was not one argument which he had heretofore used, there was not one authority on which he relied, that did not apply, *à multo fortiori*, to the present calamitous state of things. Let him illustrate his meaning by a very simple supposition. Were they suddenly to see a population augmenting in any definite proportion, or the food of a population decreasing in the same ratio, what would be the natural result? Suppose the diminution which had actually taken place in food to amount to a loss of one-fourth of the supply, the effect would practically be the same as if the population to be fed had increased by one-fourth. In such a juncture, the providing of a larger territory from which the supply of food was in future to be drawn, would be the natural remedy; and the readiest way in which that object could be effected was undoubtedly by emigration and colonisation. No doubt this process was going forward at present; but could their Lordships or the public rely on mere private and voluntary emigration as a means of escape from the difficulties with which they were now beset? He believed that they could not. He would go further, and say, that in his opinion emigration, as it was now conducted, so far from solving present difficulties, tended to augment them. It was full of danger. It was stated that in different districts of Ireland the greater proportion of the emigration which had gone on had been from the class of the employers, rather than from that of the employed, and had not produced any effect, either in increasing the market for labour, or in lessening the competition for land. He was far from saying that it would be a wise, or a just, or a prudent course to "shovel out pauper emigrants" from Ireland on the shores of our colonial possessions. At the same time, he must impress upon the minds of their Lordships, that, if they wished to promote the well-being of Ireland, emigration must not be confined to those who displaced more capital than they removed numbers. If parties, by selling their farms, could, with the money they received, improve their condition in any of our colonies, let them by all means do so; but let not emigration be restricted to that class, neither let their Lordships take it for granted, with some reasoners, that emigration was required throughout all Ireland, or was required universally in the same degree. No two countries could differ more completely than many districts of Ireland differed from each other. The remedy which might be indispensable at Glenties in Donegal, where a population of 43,000 resided on an area valued at 16,000*l*., could not determine the case of Dunshaughlin, where the population was but 20,000 on a rated valuation of 118,000*l*. In the latter case it could not be held that emigration was more necessary, as a remedy, than in the most improved parts of England. There were also other districts in which it was not required; then let not their Lordships be alarmed at the supposed necessity of a gigantic emigration, displacing 2,000,000 or 3,000,000 of people, at an expense of 13,000,000*l*. or 14,000,000*l*. That, at least, was not his proposition. It is not a positive but a relative number that should be removed; not the actual population residing on a given area, but the portion of that population which was proved to be in excess. A very small excess of labour will beat down wages throughout a large district; the removal of that excess will raise the condition of the entire class of labourers. Emigration will also be found to contain within itself a self-adjusting principle of correction; it will only come into play to the extent and where it is actually required. This principle is strikingly illustrated by the English emigration under the Poor Law. This emigration had, from June 1835 to December 1845 amounted to 13,526 persons, and had been carried on at a cost of 81,182*l*. Of these emigrants, 4,888 persons were sent out from the county of Norfolk alone in one year, at a cost of 15,198*l*.; and of the whole number, 10,686 persons were sent from the four counties of Norfolk, Kent, Sussex, and Suffolk. These four counties had only a population of 1,400,000 persons; while in the counties of Westmoreland, Northumberland, Durham, Lancaster, and Stafford, with a population of 2,740,000, not one emigrant was sent out; and only fifty-two persons had emigrated from Yorkshire, containing a population of 1,600,000 persons. He had now been speaking of emigration by rates; but he could not say that he anticipated that in Ireland the result would be quite so varied and contrasted; indeed, he apprehended that, generally speaking, the numbers who went out would more nearly approach the quota furnished by the county of Norfolk than the return presented by the counties of Northumberland and Westmoreland. Upon an inspection, however, of the papers upon their Lordships' Table, the same elements of inequality would appear in reference to Ireland. In some unions, the entire valued rental would only furnish 6*s.* 8*d.* a head annually to the entire population; in other cases, the proportion would be, not 6*s.* 8*d.*, but 6*l.*, or eighteen times that amount. Comparing Kildare and Meath with Donegal, Mayo, and Sligo, it would be seen that the case of each county was totally different. In Ireland there was a general feeling in favour of emigration. However persons might differ on other subjects, he could assure their Lordships there was not the slightest difference on that question. Those who had gone abroad had sent home the most encouraging reports of the success which had attended them; and they all urged their friends in Ireland to strain every nerve to come out also. Their Lordships should be aware that, when an emigrant was settled in the colonies, he became the nucleus of future emigration, and not only encouraged his friends to come out, but sent remittances to assist them. That fact was stated in so many public documents, that it was hardly necessary for him to repeat it. The people in Ireland were truly anxious to get out to the colonies; and, as a proof of that, he would refer to a letter upon which he had fallen by accident, among the Parliamentary papers distributed this morning, which appeared to him to be so touching and so conclusive on the subject, that he would take the liberty of entreating their Lordships' attention to it. It was dated from Ardinglass, 6th September, 1846, and it ran as follows:—

> "Pen cannot distate the poverty of this country at present. The potato crop is quite done away all over Ireland, and we are told prevailing all over Europe. There is nothing expected here, only an immediate famine; the labouring classes getting only two stone (a mistake for "pounds") of Indian meal for each day's labour, and only three days given out of each week, to prolong a little money sent out by the Government—to keep the people from going out to the fields—to prevent slaughtering the cattle, which they are threatening very hard they will do before they starve. Pity our hard case, and do not leave us on the number of the starving poor; and if it be your wish to keep us, at any labour you wish to put us to, we will feel happy in doing so. If you knew what hunger we and our fellow countrymen are suffering, if you were ever so much distressed, you would take us out of this poverty-stricken isle. We can only say, the scourge of God fell down on Ireland in taking away the potatoes; they have been the only support of the people, not like countries that have a supply of wheat and other grain. Those that have oats they have some chance, for they say they will die before they part with any of it to pay rent. So the landlord is in a bad way too. The Lord is merciful; he fed the 5,000 men with five loaves and two small fishes. For God's sake, take us out of poverty, and don't let us die with the hunger!"

He considered that a well-regulated system of emigration must be so great a benefit to Ireland, that the resources of that country itself ought to be held bound to furnish a reasonable portion of the cost of that benefit; and he must say that, among the landlords and gentry of Ireland, he had never found any reluctance or any difference of opinion on that subject. If the land of Ireland was greatly benefited by the removal of a portion of the people, whose condition was also improved by the removal, it was but right to look for a just proportion of assistance from the land so benefited. Supposing, then, that funds were provided, he admitted that he was bound to prove, before emigrants were sent out, that this could be done without any disadvantage to the colonies themselves. This, he felt confident, might readily and conclusively be proved. He believed that the advantages to the colonies would be found equally great with the advantages to Ireland. He was rejoiced to perceive that his noble Friend the Secretary of State contemplated the employment of emigrants upon colonial public works; he believed that by doing so the colonies themselves would be improved to an incalculable extent, and at the same time Ireland freed from its surplus population. It was also most certain that in the colony this emigrant population would become large consumers of British manufactures. He begged to direct their Lordships' attention to the fact, that of 1,400,000 emigrants, who had left this country, 700,000 went to the United States. The reason was, that in the United States there had been progress made throughout the Union; whilst, on the contrary, in the North American provinces there had been, in too many cases, torpor and inactivity. Lord Durham stated in his report—

> "On the American side all is activity. The forest has been widely cleared; every year settlements are formed, and thousands of farms created out of the waste; the country is intersected by common roads, canals and railroads are finished, and the ways of communication and transport are crowded with people, carriages, and steamboats. Good houses, warehouses, mills, inns, villages, and even great cities, are seen almost to spring out of the desert. Every village has its school-house and place of worship. On the British side of the line, with the exception of a few favoured spots, where some approach to American prosperity is apparent, all seems waste and desolate. That painful truth is manifest in the country districts for 1,000 miles."

Now the Irish and the English emigrants naturally turned to the country where they could find the surest market for labour; and the capitalist was attracted to the country where he could get the best return for his money. Let it not be supposed that the United States had greater natural advantages than British America; Lord Durham expressly stated in his report, that whatever might be the natural fertility of the United States, it was far surpassed by that of our North American provinces. He did not think the fact that the crown had parted with the land would be found any very great impediment in their way, because the emigrants might be employed on public works to the great advantage of the colonies, the labourers, and the mother country, and thus colonial co-operation would be secured. He must remind their Lordships that the colonial trade which originated in emigration was an intercourse in which no foreign jealousies were to be apprehended, nor any hostile tariffs; but, on the contrary, the advantages to be derived from mutual trading between the mother country and her colonies were so clear and distinct, that it was obvious that every step that was taken was one of progress and profit to both parties. He would only say, before he sat down, that he was far from confining his attention to our colonies in British North America. The Australian colonies presented an almost unlimited field for colonisation, and an encouraging example of successful enterprise. He knew that those colonies, and especially South Australia, had found difficulties to contend with, and what might almost be considered an escape from bankruptcy; but at the same time it appeared that upwards of one million sterling had already been spent in the purchase of land, and that between 50,000 and 60,000 emigrants had been removed to the colony, and were now placed in a condition of comfort and content. As he was convinced that the pressure upon Ireland would not cease with the present year, and as he had not the remotest expectation that the measures of the Government would strike at the root of that distress, he hoped that some large measure of colonisation, wisely adopted and practically applied, might be devised to effect that object. He felt confident that a system of colonisation, undertaken on a large but not an ill-considered scale—not applied to the whole of the country, but to parts of it—not dealing with millions, but with such numbers as would afford relief where the population was in excess—would be, not indeed, a specific remedy, but a remedy without which every other attempt to meet the difficulties of Ireland would be ineffectual and unavailing. On these grounds, he would move their Lordships—

> "That a Select Committee be appointed to consider what means of colonisation may be best adopted for the purpose of improving the social condition of Ireland, and by which the interests of the colonies themselves may be advanced, and the comfort and prosperity of those who emigrate may be promoted."

Earl GREY said, that as it was not his intention to object to the present Motion, he need trouble their Lordships only for a short time whilst he stated the ground of his acquiescence, and noticed some of the points in the noble Lord's speech. In the first place, he did not acquiesce in the appointment of this Committee under any expectation of being able to succeed in what none of the able persons who had turned their attention to the subject had accomplished, in devising any new and ingenious scheme by which a large portion of the population of Ireland could be transported without difficulty or inconvenience to North America, and be there placed at once in a situation of comfort and convenience. He entertained no such expectations. On the contrary, the main motive for his acquiescing in the present Motion was, because he trusted the result of the inquiry would be to disabuse men's minds of a dangerous error, that to the greatest extent emigration could be made useful; though when confined to its proper object he (Earl Grey), for one, attached the highest importance to colonisation. He thought that, properly applied, it was a great advantage to the emigrants themselves, to the colonies, and lastly to the mother country. He cordially concurred in that opinion; but at the same time it would be impossible to make any great and immediate impression on the numbers of the population in England and Wales, or at once seriously to diminish the pressure of destitution in Ireland which so unhappily existed. He looked, however, with some apprehension to the notions prevalent on this subject. His noble Friend had disclaimed any of these extravagant ideas; but he could not forget, that very recently a memorial had been presented to the Government, signed by a great number of noble Lords and gentlemen, including many Members of Parliament connected with Ireland, stating deliberately that unless 2,000,000 of the population were removed from Ireland, during the next three or four years, no benefit would accrue to that country; and that, if this were not done, what was going on was only adding sparks to the fire. It was startling to see such doctrines put forward, not merely by individual writers, but by a large number of noblemen and gentlemen, united without respect to party, and pressed on the Government with no common ingenuity or perseverance. It was true that the scheme had been in a great degree abandoned. The deputation who waited on the Government said they were formally authorized to say that if the measure were rejected, it would be brought before the other House of Parliament by a noble Earl; but it appeared, when the Motion was actually brought forward, that this great scheme, which had been got up with infinite pains, had been repudiated with the utmost anxiety by each of the parties who took part in the debate. The noble Earl, who made the Motion, caused it to be distinctly understood, that he had nothing to do with the scheme; and of the vast array of Members of Parliament who had signed the memorial, when the measure came to be discussed before Parliament, not one was found to come forward and say that in his opinion such a measure ought to be adopted; in fact, the measure was utterly repudiated. Such being the way in which this great project had been treated, far be it from him to detain their Lordships upon it; let it slumber upon dusty shelves, or be consigned to that limbo for visionary and impracticable projects which the poets told them was assigned for all such. At the same time he did not object to a Committee; there still evidently remained in the minds of some a notion that some plan might be adopted by which a large proportion of the inhabitants of Ireland might be sent to America. Let the Committee test any plans, and see what in them was really valuable; and whatever could be accomplished, he, for one, was most desirous to effect. Let him, in the meantime, tell their Lordships what had been done during the last few years, and what was now going on. They were apt to forget what during a few years had been accomplished; and he feared that the last annual report of the Emigration Commissioners, which had been recently presented, had not attracted the attention of their Lordships to the extent to which it was entitled. Up to the end of 1830 there was no such thing as emigration of labouring men to Australia; in fact, no ships were regularly engaged in the trade, and the cheapest passage that could then be obtained was a steerage passage, the price of which was then about 40*l.* His noble Friend the Earl of Ripon at that time began to adopt regulations for the sale of lands and applying a large proportion of the produce towards emigration. A Commission sat, of which the Duke of Richmon was chairman, and the result was that the passage-money had been brought down to 15*l.* to Sydney; and in favourable cases to 15*l.* or 16*l.* to Southern and Western Australia. It was most satisfactory, as showing the progress that had been made, and the advantages which had been hitherto accomplished, that while in the earlier days of emigration there was a considerable mortality—though never to any great extent—among the emigrant ships; yet of late years—and the fact reflected on the Emigration Commissioners no small praise—the mortality had been brought considerably under 1 per cent; nay, on this long voyage, including the passage of the line, and the change of such a variety of climates, the mortality on board the emigrant ships was less than among a similar number of persons of the same age resident in this country; and this redounded not a little to the credit of those who carried out the present system. This system it was still intended to carry on, and it would be extended as far as possible. Last Session, in accordance with the acts of his predecessors, he (Earl Grey) introduced an Act increasing the power of the Crown in the sale of waste lands in Australia; it was an Act which would have the effect of giving the use of valuable sheep and cattle lands in Australia; and no doubt another consequence of that Act would be that additional sums of money would be obtained in favour of the emigration funds. His noble Friend who spoke last, would allow him (Earl Grey) to say, that if he saw the colonial papers he would perceive that even at this moment there was no small pressure on the Government to break in on the policy which they had adopted in this respect, and adopted with so much success. It must always be recollected, however, that the sale of land at large prices was anything but popular in the colonies; and the application of the principle required some little caution and care, for they could not deal with men as they would with pawns on a chess-board; and they must consult the feelings of the colonists, more especially in our North American possessions. Much had been accomplished in North America, although the system there adopted was, perhaps, less striking; but some years ago, the mode of emigration might be truly described as shovelling out paupers; and he was gratified to be able to state that, year by year, the system was improving on both sides of the Atlantic, with the utmost benefit to the emigrants and to the colonies. It had happened, that persons introduced themselves to the emigrants, in some cases as agents, to provide them with facilities for emigration, and had thus committed frauds upon them; and it was also true that in some instances ships had been sent out badly found and unfit for sea, and that ignorant men had been most improperly carried to a great distance from their proper destination. But the emigration officers who had been appointed had now established almost a complete system of protection for the emigrants; and wherever frauds were likely to take place, means were generally taken by the emigration agents to prevent them. There was one fact which was worthy of the most serious consideration in looking at the subject of emigration: their Lordships were aware that large sums had been sent home from America by emigrants to their friends in this empire; and these must have had a great effect in fostering and encouraging emigration at the expense of individuals, and not of the State. But he had said before, and he would now say it again, that the progress of emigration must be gradual; and he would repeat, that those who held out hopes to the people of Ireland that a considerable amount of relief might be afforded by sending off suddenly large portions of the population, were under a delusion themselves, and were holding out hopes which could not be realized. There were great advantages to be derived from emigration; great benefits must result from it; but it was utterly impossible that any great and sudden change could be effected by whatever plan of emigration the country should think fit to adopt. With regard to North America, the progress of emigration, with a view to the improvement of the condition of the emigrants, must be gradual, for this among other reasons—that it was absolutely necessary that the concurrence of the colonial authorities should be obtained; for this country could not carry out any plan a single step without their support and assistance. In April last, no fewer than 55,000 persons left the shores of England and Ireland for our American colonies and the United States. He was very sanguine that by the means now in operation those emigrants would be favourably received, and would be able to establish themselves on the other side of the Atlantic with very little more difficulty than what was experienced last year. No doubt there would be hardships and sufferings to be undergone; but, unless, in consequence of the privations they experienced in Ireland previous to their departure, fever and sickness should go out with them, he entertained very little fear of their success, and that large numbers would quietly settle there. Some ships had been driven back by stress of weather; but with the exception of the emigrants in these vessels there was little doubt that the large number of emigrants who went out would be satisfactorily settled; and it was the opinion of those who were best acquainted with this subject, that in the course of the present year the number of emigrants from Ireland and this country would not fall short of between 200,000 and 300,000 persons. Already 120,000 had gone out; and, considering how much of the season still remained, it would not be an over-estimate to assume that 100,000 more would emigrate this year. He had already stated it to be his opinion that the larger number of emigrants would be satisfactorily provided for when they arrived in America; but he must at the same time say, that if their Lordships were to adopt the views of some Gentlemen, and take measures for giving, by artificial means, a great stimulus to emigration, and thereby increase the number of emigrants by one-third or one-fourth beyond what would be the amount by what might properly be termed "natural emigration," the case would be very different. The result would be that the natural means of employment in America would not be sufficient to absorb all the candidates for labour. Now, as his noble Friend had observed, a small surplus of labour threw great distress on a whole body of labourers; the effect of any rash measure, such as that, would therefore be to expose the whole body of emigrants to very serious distress. This would give a check to emigration, the consequences of which might be felt for many years. Their Lordships all remembered what took place in the year

1832, when the cholera broke out. In consequence of that dreadful pestilence, and the severity of the sufferings which it occasioned, many thousands were induced to emigrate; but finding no demand for their labour abroad, after undergoing great cruelties and much suffering, many of them were compelled to return to this country. The effect of that excess of emigration was to give a serious check to the natural course of emigration in subsequent years; and he believed it was as much as they could say that the consequences were even now entirely got over. But if they would not unduly stimulate emigration, but would allow it to take its natural course, and would confine their efforts to the making the best provision in their power on the other side of the Atlantic for receiving the emigrants and giving them employment, he believed they would be the means of effecting great good. Every succeeding year would increase the number who would voluntarily emigrate, because those who went out one year would be prepared the year after to receive their friends and relations. His noble Friend (Lord Monteagle) had read a very remarkable letter, addressed to a person in Canada by his relations in Ireland. What was the commentary upon that? One of the emigration agents in Canada was asked by the Government in Canada, whether, under the circumstances stated in that letter, it was expedient that Government should assist the relations of such persons to enable them to find their way to America. He begged their Lordships' attention to the reply which that agent gave. He stated—

> "That he was of opinion that there were thousands of settlers in Canada who were ready to provide for their relations, if they could be brought over from Ireland and England free of expense. The funds provided by the Colony were only to afford relief to indigent emigrants after landing."

The agent then proceeded to state, that the sums remitted by settlers in Canada to enable their relations to emigrate, were rapidly increasing in amount. A few years ago, the instances were rare; but now they were becoming almost general; and he concluded by declaring it to be his opinion, that "the present system would effect all the purposes desired." Lord Elgin, in transmitting this paper home, strongly recommended that Her Majesty's Government should act upon the opinion expressed by the agent, and should adhere to the principle which had hitherto regulated their conduct, and determine that relief to emigrants should commence on their arrival in Canada. He (Earl Grey) was convinced that that was sound advice. His noble Friend had said, that unassisted emigration to some places did more harm than good. If his noble Friend would look at the report of the Emigration Commission of last year, he would not discover it to be the fact that unassisted emigrants consisted of persons who were without capital. By the report of 1846, it appeared that, of the number of emigrants that landed at Quebec in that year, upwards of half came under the denomination of unskilled labourers in Ireland; and out of the remainder, four-fifths were agricultural labourers and farmers. But let him remind his noble Friend what was the class of persons called farmers in Ireland. They were men holding three, four, and five acres of land, the goodwill of which they very often sold to raise the means to enable them to emigrate. It was found, practically, that the number of those who possessed any means beyond what was necessary to take them to their port of debarkation, were very few indeed. The opinion of the agents was unanimous, that the large proportion of mere labourers sent out without capital could not maintain themselves. In the report from New Brunswick, this opinion was expressed in the strongest manner. That Colony possessed very great natural advantages; and he looked forward to the time when much good might be accomplished in that part of our American possessions. It appeared, therefore, from all the statements he had been able to consult, and from the opinions of those who were best acquainted with the subject, that if this country were artificially to increase the number of emigrants, it would be absolutely necessary that a larger amount of capital should be furnished for their employment. His noble Friend adverted to one topic upon which he certainly entirely concurred with him in the opinions he had expressed. His noble Friend said, that if they were willing to encourage emigration, what they ought to look to was the promotion of public works in Canada. This was a subject which had already engaged the attention of the Colonial Government. A very considerable loan had been raised by that Colony upon favourable terms, the interest of which was guaranteed by this country, and which money was now being expended upon public works in Canada. He should be extremely glad to see this description of undertaking carried much further. He confessed he had the greatest anxiety to see the railroad system carried to the greatest extent in America. There was one projected undertaking of that kind, which he thought of the greatest national importance—namely, a railway projected to run from Quebec to Halifax. He could conceive nothing more important than the establishment of a communication by which they might have access from Canada to one of the nearest colonial ports to this country in all seasons of the year, and at the same time have, of course, equally easy access from Halifax to Canada. This he believed to be an object of the very highest national importance. In the construction of such a railroad, there was no doubt a great extent of land which might be made available, but which was at present, to a great extent, inaccessible. If the shrewd and practical good sense of the Americans were applied to the construction of this railroad, adapting it to the circumstances of the country, and leaving it to future times to be completed according to the more expensive designs of similar undertakings in this country—if the Colonial Legislature would pursue that policy, as he trusted it would—his conviction was that that railroad might be effected at a cost that would be covered by the increased value which it would confer on the land through which it ran. No man was more anxious than himself that that work should go forward. His noble Friend the Governor General of Canada was equally impressed with the same opinion, that it was a work most desirable to be accomplished. Before his departure, he (Earl Grey) had frequent conversations with his noble Friend upon the subject; and he was thoroughly acquainted with the views of Her Majesty's Government upon the point, and that they were no less anxious than he (Earl Grey) and his noble Friend (Lord Elgin) were, to promote the success of the undertaking. These were not things which could be pushed on with that avidity which some Gentlemen might wish. It was necessary that they should observe caution and deliberation, in order that their steps might be safe and secure. In the first place, the surveys were at present in a very imperfect condition. Orders had been given to proceed with them as expeditiously as possible; but the serious accident which occurred last year to an officer of the highest character and promise, who unfortunately lost his life in attempting to rescue one of the persons engaged with him from a perilous position, had had the effect of delaying the work; but means had since been taken to have the surveys advanced with all practicable despatch. It would be the duty of Lord Elgin to bring the subject before the Colonial Legislature, and endeavour with them to adopt measures best calculated to carry forward the undertaking. But there was something further at the present moment, which he (Earl Grey) feared would retard the advancement of this desirable work. He entertained serious doubts whether the colonists were of themselves able to supply the capital to carry it on. If this country were now in the situation in which it was three or four years ago—if the funds were now at 100—if the money market were in that state in which capital could be readily obtained by any promising undertaking, he certainly thought that in England large assistance might be procured for carrying on so good a work. But it was impossible to look at the present state of things and feel the same confidence. They could not be ignorant of the present state of the money market. In spite of their having raised the interest on Exchequer bills, it was hardly possible to prevent those bills being returned upon the Government. So great, indeed, was the pressure, that it had become necessary for his noble Friend the President of the Council to move for the appointment of a Committee to consider what measures were necessary to be adopted to facilitate the suspension of the Railway Bills now pending, in consequence of the deficiency of the means for carrying on railway works. Their Lordships must be aware that whatever money should be taken from this country to promote public works in the Colonies, would be so much money abstracted from the means for carrying on similar undertakings in the mother country. His confidence in the resources of the country was in no degree diminished; and whatever difficulties might arise from the investment of money in undertakings not immediately productive, and from other temporary causes, if they were only favoured by Providence with a return of good harvests, he was so confident in the power of accumulation, and in the enterprise of this country, and in the enormous amount of capital which rendered its industry and enterprise effective, that, whatever might be the difficulties under which we at present laboured, he was convinced that they would be of a transient and fleeting character; and that in a short time voluntary emigration would, without the assistance or interference of Government, with only its sanction and countenance, continue to flow. But he called upon their Lordships not to encourage the delusive expectation, that it was in the power of the Government at once to meet the difficulties of the existing state of things. There was only one more topic to which he wished to advert. His noble Friend had pointed to the contrast presented between the progress of the United States and the progress of Canada. It was that progress in the United States which made that country so attractive to Englishmen; and it was that very progress which furnished strong argument in favour of leaving our Colonies in a great degree to their own resources and exertions. The over-interference and over-care of the Government had, in former times, kept back our Colonies; and he believed it was the wiser policy to leave the Colonies, to a great extent, to manage their own internal affairs, stimulating and encouraging, but not controlling them in their measures, or forcing them to adopt a course which appeared best to us, but which might not appear best to them; and that if we persevered in this policy, its good effects would be seen. These were the observations which seemed to him to be called for by the speech of his noble Friend; and he concluded by again repeating, that he trusted their Lordships would recollect, that, in consenting to this Committee, it was not his intention, or that of his Colleagues, to encourage an expectation that emigration could ever be carried on upon the gigantic scale which some believed necessary and practicable, and to be a mode of affording immediate relief to Ireland. He believed it was only as subsidiary to other measures now in progress, calculated to relieve the local congestion, if he might so call it, in particular parts of Ireland, that emigration, as it had gone on, and would go on, could benefit our own population and be serviceable to our Colonies.

EARL FITZWILLIAM said, his noble Friend (Earl Grey), thoroughout the whole of his speech, had adverted very little to the condition of Ireland, which was one of the most important elements of the question. He urged upon the Government the necessity of considering the difficulties under which Ireland laboured, and whether further measures of relief could not be devised before the next Session of Parliament. Something more must be done unless they made up their minds that Ireland was to be a burden to this country for years and years to come. Her Majesty's Ministers had not, in his opinion, taken a sufficiently large view of the exertions necessary to be made for the relief of that country. His noble Friend had adverted to the difficulty which the state of the money market threw in the way of encouraging emigration; this argument might be a strong one, but it was demolished by the noble Earl when he expressed his confidence in the power and resources of this country. The noble Earl spoke of the accumulation of capital; but there was no such accumulation in Ireland. The question was, what was to be done with the people of Ireland? The noble Earl anticipated relief from voluntary emigration. What was that voluntary emigration? Let their Lordships bear in mind that this was the first time in the history of the country when the people of Ireland were thoroughly disposed to emigrate. He thought their Lordships should avail themselves of this feeling, because he ventured to say, and he appealed to the few Irish Peers who heard him, whether the assertion was not correct, that if there should be a tolerable crop of potatoes this year, there would be an end to all disposition to emigrate. They ought, therefore, to have availed themselves of the emergency, for emergencies were opportunities; and he did not hesitate to say, that they ought to have encouraged emigration even by Government aid. Who are now to assist the Irish to emigrate? The landlords? Had the landlords the power? He said they could not. If their Lordships looked for any relief for Ireland, or rather for England and for the empire, from emigration, and expected that it could be set on foot by the Irish landlords, they would be disappointed. It could not be done. If it could not be done by the landlords, by whom was it to be done? To assert that the landlords could do it through the electoral divisions, was only asserting that it could be done by the landlords themselves. He contended that it was absolutely necessary that Government should make extraordinary exertions for the relief of Ireland, and there was no means by which that object could be accomplished more likely to prove successful than a wise and comprehensive system of emigration. The condition of Ireland, even as respected its peace and tranquillity, demanded that something should be done; for he was satisfied that if this country did not exert itself more than it had hitherto done for the preservation of the people of Ireland, they would inevitably have tumult in that country. It was necessary that they should encourage emigration, and at the same time promote great public works, not merely in the colonies, but also in Ireland. It was impossible to remove the evils which now surrounded them in Ireland, without an extensive system of emigration; he believed that unless such means of relief were resorted to, they would not for years and years be able to surmount the difficulties which pressed upon that country. He knew that there was in England great unwillingness to look upon any calamity that came over Ireland as a calamity also affecting this country. There was a strong feeling of this kind in England, but it was one which ought not to be encouraged. When he declared himself to be in favour of emigration, he was not to be understood as recommending such an extensive or wholesale system as might have the effect of creating unpleasant feelings among the colonists in North America; but he was in favour of a wise and careful system, which, while it benefited Ireland, would cause no jealousy in any other qusrter. The noble Earl then proceeded to contend that the Government ought to be prepared for a continuance, if not an increase, of the distress which prevailed in Ireland. To make up for the loss of the potato, it was necessary that two acres of wheat should be sown for every acre of potatoes that had been displaced; but there had not been the slightest possibility of such a thing having been done this year in Ireland. The Government and the House ought therefore to be prepared to meet the wants of that country. They might depend upon it, that it was impossible to go on as they were now doing; and it was full time they were all convinced that such measures as their Poor Law and their loans of 1,500,800*l.*, would do nothing to meet the exigencies of Ireland.

Lord MONTEAGLE said a few words in reply, and pointed out that, by the admission of the noble Earl himself, just in proportion as emigration had been properly regulated by Government superintendence, it had been successful. He believed that there was no possible solution of the difficulties under which Ireland was placed, unless they adopted a large, a cautious, and a wise system of emigration from that country.

Motion agreed to, and Committee appointed.

House adjourned.

HOUSE OF COMMONS,

Friday, June 4, 1847.

Minutes.] Public Bills.—1° Destitute Persons (Ireland, No. 2).

2° Lincoln's Inn Rating; Prisoners Removal (Ireland).

Reported.—Burgh Police (Scotland); Trust Money Investment (Ireland).

3° and passed:—Loan Discount; Quakers' and Jews' Marriages.

Petitions Presented. By Lord Rendlesham, from Suffolk, in favour of the Health of Towns Bill.—By Mr. Acland, from Taunton, and Mr. O. Gore, from Medical Men of Wem, in favour of the Medical Registration and Medical Law Amedment Bill.—By Mr. Baillie, from Linlithgow, and Mr. G. Craig, from Edinburgh, against the Registering Births, &c. (Scotland) Bill.—By Mr. William Baillie, from County of Linlithgow, for Postponement of Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Alderman Copeland, from several persons residing in the neighbourhood of Smithfield, against the Removal of the Cattle Market.

CASE OF MARY DAWSON.

On the question that the House at its rising do adjourn to Monday,

Mr. FERRAND rose to make some inquiries of the Home Secretary, in reference to the case of Mary Dawson, who had been imprisoned in the Wakefield House of Correction, and placed upon the treadmill, without having committed any offence or breach of the law. The hon. Member inquired what steps the Home Secretary had taken to obtain her release from prison? whether he intended to adopt any further proceedings in the case? and whether he had any objection to lay on the Table the correspondence between the Home Office and the committing magistrates?

Sir G. GREY had obtained from the magistrates a copy of the warrant of commitment, and was advised on examination of it that it was an illegal commitment, on the ground of the magistrates having proceeded under one Act of Parliament, when they ought to have proceeded under another, as applicable to the charge. In regard to the merits of the case, he had no information whatever, and was not at all prepared to say that this person had committed no offence; she had been discharged solely on the ground that the commitment was under the 17th George III., c. 56, when it ought (assuming the charge to be proved) to have been under the 6th and 7th Victoria, c. 40.

PORTUGAL.

Mr. HUME inquired whether the promised papers would be laid on the Table in sufficient time to enable him to bring forward on Monday his Motion respecting the armed interference of this Government between political parties in Portugal?

Lord J. RUSSELL answered, that the papers would be on the Table on Monday evening. He proposed that the House should go into Committee of Supply on Friday, and then the hon. Member might make his Motion.

Mr. HUME must move it on Monday, the circumstances not allowing of any further delay.

Sir D. L. EVANS hoped the hon. Member would postpone his Motion to Friday. This was surely a subject of too great importance to be discussed without the fullest information that could be had.

Mr. B. OSBORNE: They must be aware that a collision had already taken place between the British naval forces and the forces of the Junta of Oporto. His opinion was very strong in reference to the question; and if the hon. Member for Montrose did not press forward his Motion, he should take the earliest opportunity of bringing the subject under the notice of the House, because he conceived that the lives and liberties of men were not to be put in jeopardy on account of mere points of form. It was well observed the other night, by an hon. Gentleman opposite, that if there were an advantage to any party in discussing the subject without the papers being first produced, that advantage was entirely on the side of the Government.

Mr. BORTHWICK was of opinion that the hon. Member for Montrose had already made out a sufficient case why the House should not postpone the consideration of this very important question beyond Monday. The noble Secretary for Foreign Affairs informed the House last night, that he thought it probable the papers would be laid upon the Table to-night, and that they might be in the possession of hon. Members on Monday morning; and the right hon. Baronet (Sir R. Peel) advised the hon. Gentleman to wait until this evening, for the purpose of ascertaining whether the papers would be laid upon the Table. He had now risen to call attention to the circumstances of the case, as connected with the question of precedent. Heretofore, when we had interfered in the affairs of a Foreign Power, it had been the custom of the Minister to come down and obtain the assent of Parliament before taking those active steps which were now being taken in the Tagus. In 1826, Mr. Canning came down and read at the bar of the House a Message from the Crown, in which it was stated that the Crown of England had received urgent representations from the Princess Regent of Portugal, to the effect that an interference had taken place, or was about to take place, on the part of Spain. This communication was made to the House on the 11th of December, and Mr. Canning apologized for not making it earlier, he having received his information on the Friday preceding. Now, in that case, almost the first thing the Minister did, was to ask the assent of Parliament to the measures which the Crown proposed; and then, with the constitutional weight of that assent in his support, he proceeded to interfere, with the success which all Europe was witness to, and received the benefit of, at the time. In the present instance he did not see why any delay, even of one day, should have taken place. Unhappily, the House were too well acquainted with the facts of the case, though, as he said last night, he did not wish to prejudge its merits. The other evening, the First Lord of the Treasury (Lord J. Russell) informed the House that some overtures had been made to the Queen of Portugal, as he understood him, on the part of other Foreign Powers. Now, if the noble Lord alluded to overtures from Spain, which were too well known, proposing to make an aggression on the people of Portugal, who, one and all, asserted their right to breathe the air of their native land, and to hold their own opinions against a Government which had, by its acts as well as words, invaded their liberties to the extent of visiting with the punishment of death the holding of political opinions—if the statements that had been made public to all Europe were correct, then he said that the time was come when the British Parliament should be fully informed wherefor the ships of war of Her Britannic Majesty had opened a fire upon the ships of the Junta; and wherefor the British residents within Oporto were in such imminent danger of their lives as they were at this moment. The hon. and gallant Member for Westminster had said, they wanted to debate the question in ignorance. But the noble Lord the Secretary for Foreign Affairs was capable of informing the House of all the broad facts of the case. He certainly should like to know how it was that the Queen of England, the representative of European liberty, could have anything in common with the Queen of Portugal, the representative of European despotism, for he could not conceive it. He did not usually take part with insurrection; but when the whole body, almost without exception, of a people complained of aggressions on their liberty by the Crown, and when the Crown peremptorily refused, save upon compulsion, even to take their complaints into consideration, it then became a question with the Government of Great Britain, whether they ought not to take part with the people of Portugal rather than with their oppressor.

Viscount PALMERSTON: I could agree in one observation of the hon. Gentleman who has just sat down, and that is, that the House ought to be fully informed of the grounds on which Her Majesty's Government have acted. But, if so much impatience be displayed for an immediate discussion, it might be supposed that the hon. Gentlemen who profess their anxiety on the subject, wish the House to consider the question without being fully informed. It is for the purpose of putting the House in full possession of information, and for that purpose alone, that we ask the delay of a few days. Every possible exertion will be made to lay the papers on the Table of this House. I should hope that they will be ready on Monday morning; but undoubtedly on Monday evening I expect they will be in the course of delivery. I am not disposed, even considering the manner in which the hon. Gentleman has spoken, to follow him into the subject. But I will say I am convinced, when the papers are produced and we have stated our case, that the House will see it is not, as the hon. Gentleman assumes, a case of assisting to establish a despotic Government in Portugal; but it will appear that the effect and consequence of our intervention will be to secure to the Portuguese people the full enjoyment of the liberties which were guaranteed to them by the charter of Don Pedro and the Portuguese constitution.

Lord J. MANNERS said, the wish of hon. Gentleman was not to debate the question before the House was fully informed upon it, but that the debate should take place while it was possible that some practicable object could be obtained by it. The hon. Member for Wycombe (Mr. Osborne) had told them of rumours having reached town that a collision, or attempt at collision, had occurred between Her Majesty's fleet and a portion of the fleet of the Junta of Oporto; and there was no doubt that if orders had been sent out for immediate hostile interference on the part of England, the forces of the Junta must succumb to our superior forces; and it was because hon. Gentlemen were anxious that the cause of the Portuguese people should not be irremediably ruined before the papers were laid on the Table of the House, that they wished there should be no delay in coming to the discussion.

Lord H. VANE said, even if the discussion took place immediately, any decision of the House could not prevent those acts of interference taking place which were intended, and which, according to the statement of the hon. Member for Wycombe, had been already begun. He would, therefore, suggest to the hon. Member (Mr. Hume), that he would allow the discussion to take place on Thursday next. It would be impossible to take it on Monday; and, from what he (Lord H. Vane) could gather from the hon. Gentleman, he was willing the discussion should be postponed to Thursday, which was the earliest day after the production of the papers that the discussion should be taken with advantage.

Mr. HUME thought it desirable to obtain a vote on the question in the shape of a substantive Motion. Thursday was the first day on which he could bring it forward as a substantive Motion. If it were taken on Supply, or as an Amendment, the result would be left indeterminate; but he wished a fair and proper discussion on the subject, and would be perfectly content if, on Thursday, he were allowed to propose first in order his Motion as a substantive Motion.

Lord J. RUSSELL: I fixed Friday, because my hon. Friend intimated, on a former occasion, that he wished to raise the discussion on a day selected for going into Committee of Supply. But if he prefer bringing forward his proposition for discussion as a substantive Motion on Thursday, instead of bringing it forward in another shape on Friday, I shall be prepared to postpone all the Orders of the Day on Thursday, to enable the hon. Gentleman to proceed on that day. The hon. Member for Wycombe mentioned that Her Majesty's naval forces had come into collision with the forces of the Junta. I am not in possession of any official information; but if the hon. Gentleman refers to the accounts which have appeared in the newspapers, I must say that my impression from reading the newspapers is, that the collision reported to have taken place has occurred between the ships belonging to Her Majesty the Queen of Portugal and those belonging to the Junta, and not between Her Britannic Majesty's naval forces and the forces of the Junta.

THE BOROUGH OF SUDBURY.

Mr. COLLETT begged to ask the First Lord of the Treasury, whether it was the intention of Her Majesty's Government during the present Parliament to supply the deficiency in the number of Members of the House by the disfranchisement of the borough of Sudbury?

Lord J. RUSSELL stated that there was no intention. If a special case was made out in favour of any place, it would be for the House to consider the matter; but otherwise he saw no necessity for such a Bill as the hon. Gentleman suggested.

Mr. COLLETT begged to give notice that he would bring forward a Bill to allow two Members to be returned for Chelsea.

THE WELLINGTON STATUE.

Mr. C. BERKELEY wished to ask the noble Lord the Chief Commissioner of Woods and Forests, first, whether he had withdrawn the consent of the Crown to the continuance of the Wellington Statue on the arch at Hyde Park Corner; secondly, whether he had signified the determination of Her Majesty on that subject to the Committee of the Wellington testimonial; and, lastly, how long it was the intention of Her Majesty's Government that the statue should remain where it was, and whether the noble Lord was aware if the Committee had the funds necessary to enable them to carry out that part of their engagement by which they were bound, if required, to remove the statue from its present site?

Viscount MORPETH: In reply to my hon. Friend's three categorical questions, I have to answer, first, that the Government have advised Her Majesty to give authority for the removal of the statue from the arch; secondly, that the Government have signified that decision to the Committee. The Committee replied that they did not think a sufficient portion of the scaffolding had been removed. But they now state that a sufficient portion has been removed. The Government, however, regret that they are still under the necessity of adhering to the opinion, that the effect is unfavourable, both for the statue and the arch, and is not such as to do credit to a memorial in honour of the Duke of Wellington. With regard to the third question, as to what are the views of the Committee, and whether they have sufficient funds for the removal, I beg to profess entire ignorance of the state of their funds. All I know is that they are willing to remove the statue, and they have now intimated their intention of doing so. The artist has been requested to prepare a pedestal; a site has not been found; but as soon as the pedestal is completed, the Government will see the removal effected. Further, Her Majesty has signified Her pleasure that, when the House shall be pleased to vote the sum necessary for the completion of the arch, any decorations which may still have to be added should be illustrative of the achievements of the Duke of Wellington, and should be such as may serve to mark the sense which the country entertains of his exploits and his deserts.

Lord J. MANNERS, with reference to the recent answer of the noble Lord, begged to inquire whether the Government would order the artist to proceed to the execution of the decorations of the arch before a vote for that purpose was agreed to by the House? and secondly, whether the Wellington Statue would be removed before the fresh site was positively fixed upon?

Viscount MORPETH said, that the first thing for the Government to do would be, to require the sculptor to prepare a plan and estimate. If that plan and estimate were ready before the conclusion of the Session, they would certainly take a vote before the execution of the works. As to the statue, it would not be removed until the site was positively fixed on.

INDIAN SALT.

Viscount SANDON begged to put a question to the President of the Board of Control, whether he had received intelligence of a notification published by the Deputy Governor of Bengal, on the 31st day of March, 1847, by which, on and after the 1st of April, 1847, the prices of salt in store in Calcutta, manufactured under the Government monopoly, and the duty on imported salt, were to be reduced, but unequally, and without notice to the importers; and if so, what steps the Government in this country were prepared to take in respect of such enactment?

SIR J. C. HOBHOUSE stated, that it was quite true that the Indian Government had reduced not only the price but the duty upon salt, and the reduction extended not only to native salt, but British imported. He had received a communication from the agents of the salt mines at Calcutta, expressive of the alarm of the merchants and importers at this notification. He had, therefore, thought it his duty to look into the subject, and he would as speedily as possible present to the House the papers which had accompanied the notification, and which would fully explain the motives of the Indian Government in making this important change. But before the papers were read, after looking into the matter, he might state that there was nothing whatever of which the British importer had any right to complain. The reduction was the same to the native producers as to the British importers. The reduction in British imported salt was twenty-five rupees; and though there seemed a great difference between that and the reduction on the native salt, it arose from a mistake in the calculation, caused by reckoning the price and duty together. The reduction was, however, the greatest on the Cuttack salt, which came most in competition with the British; but for this the Indian Government had assigned very satisfactory reasons.

VISCOUNT SANDON wished to know whether the representation of the right hon. Gentleman was, in effect, that the British importer was unaffected by the change?

SIR J. HOBHOUSE observed, that it was a mistake to suppose that the parties had been taken by surprise, as would appear from the papers. On March 25, 1846, it was notified at Calcutta that no alteration would be made in the duty or in the wholesale price by the Government before April 1, 1847.

SIR J. PAKINGTON asked what was the date of the despatch?

SIR J. HOBHOUSE was understood to state, that there was nothing in the circumstances to indicate a disposition to counteract the measures of others.

THE POTATO CROP.

MR. HORSMAN inquired, if the Government had got information whether the potato disease had appeared in this country, and especially in Ireland?

MR. STAFFORD O'BRIEN wished an answer at the same time to the question as to what course the Government intended to pursue with regard to the Agricultural Statistics Bill—whether they intended to abandon it altogether this Session, or to remit it to a Select Committee?

The CHANCELLOR OF THE EXCHEQUER begged to say, in answer to the question of the hon. Member for Cockermouth, that it was quite true that reports had reached the Government of the potato disease having made its appearance in different parts of the country; but that it was yet by far too early to form any decided opinion on the subject. It must be remembered, that last year the extent and character of the potato disease was not ascertained till late in July; and therefore it was impossible for the best informed to form any exact opinion about it at the present time. With regard to Ireland, the Agricultural Society of Dublin was about to meet in a few days to receive information from the different parts of the country, and to discuss the subject. In answer to the question of the hon. Member for Northamptonshire (Mr. O'Brien), he begged to repeat the statement made by the noble Lord the First Lord of the Treasury a few nights ago, that it would be impossible to proceed with the Agricultural Statistics Bill this Session.

MR. BERNAL OSBORNE said, that all the accounts he had recently received from Ireland tended to this, that the new potatoes were decidedly showing marks of a different sort of disease from that with which they were affected last year. The stalks, in many instances, were actually withered already. He had received accounts to this effect from various parts of Ireland that morning; and the writers added that they wished the Government would say something official to dissuade the people from putting down the quantities of potatoes which they were at this moment doing. If the Government would do that, it would be better than the Chancellor of the Exchequer telling the House that he knew little or nothing about the subject. If the right hon. Gentleman the Secretary for Ireland (Mr. Labouchere) would refer to the communication which had been made to the Government by Mr. Higgins, the eminent nursery gardener of Dublin, he would find that the potato disease had shown itself very extensively.

MR. LABOUCHERE said, it was no doubt true that in many parts of Ireland the new potatoes had been found extensively affected with disease. The information which the Agricultural Society of Ireland had received, fully warranted that apprehension. As had already been stated by the Chancellor of the Exchequer, that Society was to meet in Dublin in a few days, and would receive accounts from all parts of the country with the view of seeing what reason there was to believe that the disease extensively prevailed in Ireland; and what were the practical remedies which it would be advisable to adopt, with the view to changing the cultivation to suit the altered state of things. For his part, he thought that a body of this kind was far better qualified to investigate questions of this description, and to give advice as to the cultivation and management of the crops, than the Government could be to deal with a question of such delicacy and difficulty. That was a responsibility which no Government could well undertake.

Mr. C. BURRELL said, he had adopted one expedient with advantage, on the recommendation of a person writing in the *Gardener's Chronicle*—a work of the greatest possible utility and benefit to the agriculturists of this country and the public. That journal some time past recommended the adoption of what was almost an universal practice in some parts of the Continent—sowing harricot beans, which in Spain, France, and Italy, formed a very nutritious part of the aliment of the population of those countries. He had every promise of a good produce and abundance of profit; and he hoped to see the cultivation brought into more general use in this country.

Mr. E. B. ROCHE remarked, that as a panic might be created in Ireland without any foundation, by what had been stated with reference to the potato crop, it might, perhaps, be as well that he should give his experience as contradistinguished from that of the hon. and gallant Member for Wycombe (Mr. B. Osborne). He was happy to state, that at the time he left Ireland, which was two days ago, there was no appearance, to any extent, of the potato disease in the county of Cork and the south of Ireland generally; and he hoped that Providence would give them a continuation of this beautifully clement weather, and preserve them from that calamity. Where the disease had appeared, there could be no doubt that the best way for the farmers to take was at once to take them up, and put in the only crop which they could put in at this late season—he meant late turnips. Last year he had sown 100 acres of late turnips after potatoes, and they had turned out exceedingly well. He was happy to say, also, that a greater quantity of corn having been put into the ground this season than usual, in place of potatoes, the prospects of Ireland were to a greater extent better than last year.

CUSTOMS BILL OF ENTRY.

Mr. EWART wished to know from the Chancellor of the Exchequer whether any steps had been taken to reduce the price of the Customs Bill of Entry? It was of great importance for merchants to have copies of that document, and great complaints were made of the high price at which it was sold.

The CHANCELLOR of the EXCHEQUER replied, that in the course of last year the patent had been put an end to, and a new arrangement made with the publishers of the document; in which new arrangement the interest of the public had not been lost sight of, the price of the document having now been reduced from 6*l.* to 3*l.* 10*s.* per annum.

RELIEF WORKS IN IRELAND.

Lord G. BENTINCK wished to know whether the Chancellor of the Exchequer was in a condition to tell the House what was the present weekly expense of the staff for the management of the relief works in Ireland; and whether he could inform the House if the expense of the rations to the destitute poor amounted to 2½*d.* each per day—because, when the question was put to him on Monday night by the right hon. Member for Dorchester (Sir J. Graham), he stated that he was unable to say whether the cost was 2*d.* or 2½*d.*, or, in other words, whether the annual expense would be 8,000,000 or 6,500,000*l.*

The CHANCELLOR of the EXCHEQUER replied, that the expense of the staff was in the course of rapid reduction. Ever since the month of March last, the expense of each week had been less than the expense of the preceding week; and it was therefore impossible to give a general answer as to the weekly expense, seeing that it was reduced from week to week. He was prepared to lay on the Table of the House what was the expense in any one week. He had received a report of the expense for the week ending last Saturday; but he could not at that moment state what it was. With respect to the rations, what he had stated the other night was, that the maximum daily cost of each was 2½*d.* The cost varied in different parts of the country; in some places it was 1*d.*, in some 1½*d.*, in others 2*d.*, and in some few particular cases 2½*d.*

LORD G. BENTINCK observed, that up to the last return the House had always had an account of the expense of the staff each week. The last week of which they had a return, the aggregate amount of the cost of the staff was 14,900*l.* a week. There was surely no more reason why they should be kept in ignorance now of the total weekly account of the staff than heretofore. Then, again, with respect to the cost of the rations, the Chancellor of the Exchequer informed the House, that the number of persons receiving rations was 2,200,000. If the Chancellor of the Exchequer could not state what the exact cost of each ration was, could he state what the weekly cost of the whole was?

The CHANCELLOR OF THE EXCHEQUER asked, if his noble Friend meant to say that in the last return the weekly expense of the staff was omitted? [Lord G. BENTINCK: Yes.] Then that must entirely have been the result of mistake, and he should take care that it should be repaired. With respect to the rations, what he stated on Monday night was, that a certain amount of rations had been issued; he did not state the exact cost of each; but that, estimating them at 2½*d.*, the amount that would be required up to a given day was 2,600,000*l.* He did not state that the cost was 2½*d.* each, because he did not know it.

LORD G. BENTINCK said, that the right hon. Gentleman told them that there were 2,200,000 rations daily being given out; and upon being asked what he estimated the cost at, he said 2½*d.* a day; and from that he made various calculations of what the total cost would be; and the result, so far as he (Lord G. Bentinck) was able to calculate, was that the cost of the rations and the cost of the public works together was going on still at the rate of 11,000,000*l.* a year.

LOAN DISCOUNT BILL.

On the Question that the Order of the Day for the Third Reading of the Loan Discount Bill be read,

MR. GISBORNE rose and said, that in the course of the previous debates on this Bill the Chancellor of the Exchequer had made no fewer than four speeches, which had occupied about six hours, with respect to the Bank Charter Bill of 1844. There had been also two speeches from the right hon. Baronet (Sir R. Peel) the author of that Bill, besides speeches from other Members. The Chancellor of the Exchequer had stated last night that the discussion to-night would take up a very short time; and he (Mr. Gisborne) hoped it would be so. If it was the pleasure of the House, he had no objection to continue the currency debate, and to afford hon. Members an opportunity of explaining what a pound was; although he would advise the hon. Member for Birmingham to avoid that topic; for, as he understood, it was advantageous to the Birmingham system not to have an accurate definition of a pound. He was informed last night that a distinct Motion would be submitted to the House relative to the currency; and if that should prove to be the case, it would be unnecessary to continue the debate on the Loan Discount Bill that evening. Perhaps the noble Member for Lynn would be good enough to state whether he meant to bring forward a Motion on the subject of the currency.

The CHANCELLOR OF THE EXCHEQUER felt it necessary to address a few words to the House, after the extraordinary statement made by the hon. Member relative to what fell from him last night. He fixed the Order of the Day for that evening in the full expectation that the debate would go on, and did not utter a syllable of what the hon. Member had attributed to him. When he came down to the House again about ten or eleven o'clock, he learned, for the first time, that it was intended to originate a substantive currency debate, and that therefore it was not likely that the debate on the Loan Discount Bill would be continued.

MR. GISBORNE was sorry he had misrepresented the right hon. Baronet; but the right hon. Secretary for the Home Department did positively state last night, in answer to a question put by him, that the discussion on the Loan Discount Bill would not occupy much time.

SIR G. GREY said, he gave that assurance in consequence of having heard that a distinct Motion on the subject of the currency was about to be submitted to the House at an early period.

Lord G. BENTINCK said, that having been asked last night whether the debate on the Loan Discount Bill would be a protracted one, he could answer only for himself that he would not be a party to protracting it, because an hon. Friend, who was much more able to handle the subject than he was, intended to bring forward a substantive measure relative to the currency—that instead of mere desultory talk it would be a word and a blow. He added, that if the Friend to whom he alluded should not bring the measure forward, he himself would introduce a Bill for the partial or entire repeal of the Bank Charter Act of 1844. Answering only for himself, therefore, and not pledging himself as to the conduct of others, he said that he would not waste the time of the House in desultory talk.

Lord J. RUSSELL said, it appeared to him that the course which the noble Lord proposed to pursue was the best which could be taken. It was very well with respect to a question which excited great immediate interest, and with respect to which the public was anxious to know the opinions of Parliament, that some conversation should take place in order to afford different Members an opportunity of explaining their views; but if there really existed an intention of altering or repealing the Act of 1844, it was very desirable that a desultory discussion, which could lead to no definite result, should not be continued. He therefore hoped hon. Members would refrain from entering into a currency debate on the question before the House, but would reserve themselves for the occasion when a distinct Motion would be brought before them, and then let the House decide whether it would adhere to the Act of 1844, or abandon it.

Mr. MUNTZ said, that important as the question was acknowledged to be, he feared that by the course about to be pursued, there would be no discussion upon it at all.

Sir R. PEEL understood the noble Lord the Member for Lynn to have given a distinct assurance that the question should be brought before the House in a substantive form by himself or some other Member moving for the repeal of the Act of 1844. If that were the case, he trusted that hon. Gentlemen who might persist in speaking upon the question fixed for that evening, would not think it a mark of disrespect if others refrained from answering their arguments. It would be much better to have the question before the House in a practical shape; and he would, therefore, abstain altogether from taking part in any discussion which might ensue that evening.

Sir W. CLAY expressed an opinion, that in the present position of the question, it was desirable there should be no discussion that evening.

Mr. HUDSON said, it was very easy for the right hon. Baronet the Member for Tamworth, who had already spoken on the question, to announce his intended abstinence from further discussion; but he, who had not yet addressed the House on the subject, was anxious to have the opportunity of bringing what little knowledge he happened to possess to bear upon it; and therefore he hoped that his hon. Friend the Member for Birmingham would exercise his right of resuming the debate.

Sir R. PEEL begged to assure the hon. Gentleman that it was not his wish that the House should be deprived of the advantage of hearing the hon. Member explain the bearing which the investment of capital in railways had upon the question; his observations were applied generally.

Mr. F. BARING had not spoken on the question, and he was willing to pair off with the hon. Member for Sunderland. It was infinitely better to have a discussion upon a practical question than mere loose talk; and he hoped that hon. Members who had intended to address the House that evening, would, after what had passed, refrain from doing so.

Mr. SPOONER said, that on his Motion the debate was adjourned, and he was now prepared to recommence it; but he would not like to occupy the time of the House by going at length into the question, if his arguments were not to be met by other Members. He was prepared to answer the question which the right hon. Member for Tamworth put to him on a former evening; but he would bow to the wish of the House if they desired that the discussion should not be continued. If the Motion promised by the noble Lord the Member for Lynn should not be brought forward, he ought to have an opportunity of addressing the House on the question.

Lord J. RUSSELL had understood his noble Friend the Member for Lynn to give an explicit assurance that the question would be brought forward either by himself or another hon. Member. If, however, that should not be the case, he (Lord

J. Russell) would undertake to give the hon. Member for Birmingham an opportunity of making a full exposition of his views on the subject; but of course he could not engage that other hon. Members should reply to him.

Lord G. BENTINCK repeated his declaration, that an hon. Friend intended to introduce a Bill to repeal or limit the operation of the Bank Charter Act of 1844; and that if his hon. Friend should not do so, he would introduce the measure himself. At the same time he was bound to inform the hon. Member for Birmingham that the measure would be much more limited than would suit his views.

Sir ROBERT PEEL, notwithstanding his hon. Friend on his left (Mr. Spooner) had been rather coy in giving information to the House with respect to his intentions, he had said something in an undertone after sitting down which reached his (Sir Robert Peel's) ears, and which was calculated to throw some light on the matter. He had said that it was his intention to apply himself to the task of answering the question—"what was a pound?" and, furthermore, his hon. Friend had declared his conviction that the interrogatory was one which it would take a long time to solve. Now he (Sir Robert Peel) wished to state that the question which he had proposed some evenings since was not precisely the one that the hon. Gentleman proposed answering. He had not asked—"What is a pound?" What he asked was this—"When a man writes the words, 'I promise to pay a pound,' how and in what manner does he intend fulfilling his promise?" That was the question he had asked.

Mr. SPOONER denied having declared that the question he intended to answer was one which would necessarily occupy a long time. The question which the right hon. Baronet had just now stated was not the same that he had proposed to him (Mr. Spooner) on a former occasion. On that occasion he asked him—"What do you say is a pound?" To that interrogatory he was prepared to give a clear answer; but what he had said was, that that answer would devolve on him the necessity of entering very fully into the whole question. [*Laughter.*] He was at a loss to think what hon. Members saw in that declaration to promote their merriment. There was nothing contradictory in it. The opinions he had held on this subject he had held for a very long period, and he had always expressed them respectfully and with deference to others. He certainly would claim the right of explaining his views fully, for the subject was one of much importance.

Order of the Day read.

On the Question that the Bill be read a Second Time,

The CHANCELLOR of the EXCHEQUER said, he would take the opportunity of making only one observation. His noble Friend had stated on a former occasion that he (the Chancellor of the Exchequer) would get no money under the Bill; now he begged to state that he had already received in anticipation of the enactment no less a sum than 2,678,000*l.*

Mr. SPOONER observed, that it appeared to him exceedingly strange that the right hon. Gentleman the Chancellor of the Exchequer had neglected to avail himself of the offer made to him at the time of contracting the loan to pay a portion of the money, provided discount were allowed. Upon that occasion he informed the Gentleman contracting for the loan, that he did not require the money in advance. This declaration showed considerable want of due foresight, and ignorance of the actual condition of his finances. It was, he repeated, most strange that when the loan was contracted, in the month of March or April last, the right hon. Gentleman did not see that the measure suggested to him by the contractors would have been a prudent one for him to have accepted, and would have enabled him to meet the forthcoming dividends without an advance on deficiency bills. Having refused to take the money in advance, although he knew there would be a drain upon the Exchequer to meet the deficiency bills, it was unaccountable that the right hon. Gentleman should blame others with not acting with care and caution in guarding against a drain for gold. He could not forbear thinking that the gentlemen who contracted for the loan had considerable grounds for complaint against the Chancellor of the Exchequer. They were, of course, after what had passed at the interview, led to conclude that the right hon. Gentleman did not want money to meet the deficiency bills; and they left the room under the impression that no advance was required. He was not now speaking without some knowledge of the facts, for he had it from one of the contractors that he left the room under the full impression that the Chancellor of the Exchequer would not want the money before the stated period for the payment of the instalments. He would not follow up the subject further, but content himself by saying that the relief afforded by prompt payment would be no practical relief at all, for the money would have to come out of the circulating capital of the country. He knew the right hon. Gentleman fancied that the opinions of hon. Gentlemen who had not the official knowledge he possessed were not worthy of attending to—that feeling he had expressed in more than one instance—but he could only say that all practical men, that all men who judged the affairs of business, and acted by those rules which ought to guide the conduct of all hon. men, were unanimous in thinking that the course pursued by the Chancellor of the Exchequer in refusing the payment in advance of the instalments, was not that which was regulated either by prudence or by a knowledge of the financial position of the country.

The CHANCELLOR of the EXCHEQUER observed, that accusations had been made against him that evening in respect of matters which he had hoped he had satisfactorily explained on previous occasions. He had only now to repeat what he had stated frequently before—namely, that at the time he made the loan he did not anticipate that any portion of the money would be required in advance of the instalments then agreed on. He had no object in concealing information, and if any question had been asked him by the contractors respecting earlier payment, he would not have hesitated to give them the most satisfactory answer in his power; but no such question had been asked. He certainly had not expected that any occasion would arise which would render it necessary that the money should be paid otherwise than by instalments as agreed upon. It was only in consequence of a change of circumstances, which was not in any degree attributable to anything he had done, and which he could not fairly be expected to have foreseen, that he had found it necessary to propose the measure now under consideration. He had never held out any expectation that the mere requiring the payments to be made by instalments would have the effect of relieving the money market. He could not well suppose that the taking money out of the money market would make the pressure on the market lighter; but he did express a hope that the two measures—this, and the one of lending money on Exchequer bills—taken together, would have conjointly the effect of causing some relief. And he way happy to say, that this expectation had been realized. The result of what had taken place of late had been to cause very considerable relief to the money market. The utmost amount of Exchequer bills sent in, and for which payment in money was required, up to yesterday, did not exceed 15,000*l.* A further demand to the amount of 5,000*l.* had come in that day, making in all 20,000*l.* That was the only sum that they had been asked to pay in money. On the other hand, the quantity of Exchequer bills that had been sent in for exchange, fully equalled the quantity which was presented at a similar period of former years.

Mr. NEWDEGATE rejoiced that the Chancellor of the Exchequer had, in his speech, announced a more favourable bulletin as to the health of the Old Lady of Threadneedle-street, although it was quite clear that, after all, she had only passed an easy day. He considered his hon. Friend the Member for Birmingham had been rather too hard upon the Chancellor of the Exchequer, because he had expected greater foresight and caution from him, than even from the most experienced merchants and bankers of the day. The Chancellor of the Exchequer had, after all, only suffered from the depressing influence of the Bank Charter Bill of 1844; and therefore it was hard to blame him for not having that perception which was superhuman. It was clear that neither the contractors for the loan, the commercial world, the Chancellor of the Exchequer, nor, he believed, the hon. Member for Birmingham himself, had the slightest idea of the state of the market likely to ensue, aggravated probably by the pressure of the provisions of that Bill. He was glad the noble Lord (Lord G. Bentinck) intended to bring the question substantially before the House, and he should defer any observations he had to make till he had a practical opportunity of doing so.

Bill read a third time and passed.

PRISONS—CONVICT DISCIPLINE—ADJOURNED DEBATE.

Order of the Day for resuming the Adjourned Debate, on the Question that the Speaker do leave the Chair for the House to resolve itself into a Committee on the Prisons Bill, read.

Mr. EWART said, the real question before the House, was the system of transportation. On that subject he agreed with a great part of what fell from the hon. Baronet the Member for Southwark (Sir W. Molesworth), on the previous evening, and with the principles of the able report of his Committee on Transportation in 1837. The congregating of masses of criminals together had created evils unexampled in the frightful category of history,

> " ——— abominable, unutterable, and worse
> Than fables yet have feigned or fear conceived."

They might as well hope to have health and physical vigour in a locality where the concentrated virus of some fearful pestilence had been accumulated, as to expect that where they collected gregariously a vast amount of crime and evil, they could entertain a reasonable hope of reforming criminals. All the accounts which they had received from the penal colonies were unanimous in describing the condition of the convicts as most deplorable; and upon that account he hailed with gratification the prospect of a great and salutary change in this important subject. So strong was his impression of the evil of the system at Van Diemen's Land, that he had thought it his duty to bring a measure forward, directed with a view to check the evil. The House was counted out on that occasion; but now they found the Government of the present day bringing forward the very measure which the late Government had permitted the House to be counted out upon. With the general principles of the measure introduced by Her Majesty's Government he coincided; and he ventured to differ from them only where they departed from the principles they themselves entertained. The main principle of the plan was right, but they had departed from it in some of the details. It was intended to abolish the aggregating of criminals together abroad; but it seemed as if the system would be re-established at home. He approved of the Pentonville system of separate confinement, and he disapproved of the system of making the convicts work together in gangs in the colonies; because he considered that system destroyed the advantages inculcated by the solitary principle pursued in prison. Upon this ground he objected to any congregating system which was calculated to bring the prisoners into close and injurious contact with each other. If they congregated prisoners, after taking them from gaol, in probation gangs, they destroyed the salutary principle of the separate system. The sound principle was to dissort them one by one, and to spread them as widely as possible throughout the colony. It had been said that the system of assignment had its good characteristics. It was good inasmuch as it carried out the separate system, but no further. It was beneficial, because, when the convicts were deported, they were assigned individually, and not collectively. There were two objections raised by the noble Lord the Member for Hertford (Lord Mahon), who said that if they did away with transportation, they would abolish the salutary fear of transportation. For his part, he considered, if it were intended to convey any such fear, the punishment ought to be clearly defined, and not left a vague uncertainty. The noble Lord had quoted the opinions of the Judges in support of his argument. He had great respect for the Judges; but although he was willing to defer to them in matters of law, he was not at all disposed to attach much weight to their opinions on matters of general and comprehensive legislation. The noble Lord also compared this proposal to the system that had so long prevailed in France —the *bagnes*—in the establishments at Brest, Toulon, and other ports; but he could not think Her Majesty's Government would establish such a system here. It was not only most revolting to humanity, but had been exploded by all the legislators and philosophers of France. By sending men from the prisons where they had been subjected to a reformatory discipline, to join those masses of criminals, the effects of that discipline were soon eradicated. It was said, that men who had been isolated under the separate system, had been found incapable of acting afterwards in their collective capacity. He thought this a trifling objection, as the men soon re-acquired their social habits, as they learned from the conduct of the convicts in New South Wales, and were able to act gregariously again. Several Governments had appointed Commissioners to inquire into this subject; and, after the fullest investigation, the Belgian, the American, and our own Government, had come to the conclusion that the separate system was the best mode of punishment, if, combined with inflicting adequate penalty for crime: the object was also the reformation of the criminal. He would beg hon. Members not to confound separate with solitary confinement. The convict was not shut out from communion with those whose instruction and whose habits of life and moral discipline were calculated to effect an improvement in his condition and ways of thinking; and it was yet a question if the strictness of the solitary imprisonment might not, by degrees, be relaxed with the best effect as an amendment was perceived in the conduct of the prisoner? On these grounds he would give his support to the measure. He objected to some of the details; but he believed the principle to be sound, and in every way worthy of experiment. He supported this measure, first, because it was founded on the principle of discipline; secondly, because it embraced the principle of separating the convicts one from the other; next, because it introduced a system which did not forbid hope; and lastly, because it would develop all that was good, while it would tend to eradicate all that was evil in the character of the criminal. It was a step in the right direction; and he gave the Government every credit for having entered upon a path which would open the way to innumerable advantages to society.

MR. G. W. HOPE would address himself to this subject with no intention to object captiously to the course which had been taken by Her Majesty's Government, and with no other disposition than to assist in overcoming the very serious difficulties which had been found to attend every attempt at legislation on this question. Before, however, proceeding to the discussion of the real question before the House, he hoped he might be excused if, as briefly as possible, he adverted to the charge which had been made the previous evening by the hon. Baronet the Member for Southwark (Sir W. Molesworth), against the noble Lord (Lord Stanley), under whom he had had the honour to serve. He had listened to the speech of the right hon. Baronet (Sir G. Grey), who opened the subject, with the greatest satisfaction; and he had expected, after the very able and impartial statement of the right hon. Baronet; after the reference made by him to the difficulties surrounding the question; and after he had pointed out the course which had been taken by the noble Lord (Lord Stanley) in the earnest endeavour to overcome those difficulties, that the hon. Baronet the Member for Southwark would have spoken with more candour of the efforts his noble Friend had made for that purpose; and he had been surprised to hear the hon. Gentleman charging the noble Lord with indifference and negligence as regarded evils which, from the commencement to the close of his career as Colonial Minister, so far from neglecting, he had been most anxious to avoid and to remedy—which he did mitigate—and which, if he did not remedy, he failed so to do, from no want of ability or attention, but from the naturally insuperable character of the difficulties themselves. He would rest the justification of the noble Lord, not on the testimony which he himself personally might be able to bear to his exertions, but upon the evidence of impartial persons totally unconnected with the noble Lord, whose opinions would be found in the papers which had been referred to by the right hon. Baronet at the head of the Home Department. Had those papers not been already largely quoted, he (Mr. Hope) would have felt bound to detain the House by reading extracts from them; but as they had, he was glad to be able to spare their time by not doing so; and he appealed with confidence to their contents—to the facts apparent on the face of them—to show, that from the moment the noble Lord entered the Colonial Office, to the moment when he retired, he had given the closest and most constant attention to that very subject of transportation to which the noble Lord was most unjustly alleged by the hon. Baronet to have been indifferent. The noble Lord entered office in the latter part of 1841; early in 1842 this subject engaged his attention. The noble Lord found the probation system established; but in order to improve it, he matured a plan which, in the working of some of its details, might not have been successful, but which it was admitted failed of success solely in consequence of deficiencies on the part of the agents to whom it was necessarily entrusted to be carried out. The hon. Baronet had said, and of course had a right to say, that the noble Lord must be held answerable for the conduct of those agents whom he appointed; that was a responsibility which could not be eschewed by any Ministry; but it was no less true that a Minister could only select those who on full and impartial inquiry appeared fit for the post for which they were designed, without reference to personal favour or influence; and having done that, and given them full and clear instructions, he must necessarily rely upon them to carry out those instructions in detail, depending—unless shown cause to doubt their integrity—upon the reports which they forwarded to him for a knowledge of the manner in which they performed their duties. The hon. Baronet would not contest that statement; and as a Minister could not avoid being deceived sometimes in the selection of an agent, it was not reconcileable to equity or to any common-sense notion of justice, whatever might be the strict legal rule, where every care had been taken by him in the selection of an agent, to hold him morally responsible when the conduct of that agent came under public reprehension. To pass, however, from the personal part of the hon. Baronet's speech to that on the question itself, he must say the hon. Baronet, when stating the plan of the noble Lord, did not appear to have paid that attention to the right hon. Baronet who preceded him, of which his speech was so well deserving; and this was to be regretted, because, had he done so, the hon. Baronet would not a second time have gone over the grounds exhausted by the right hon. Baronet, or have attacked the noble Lord, as he (Mr. Hope) contended he had done most unjustly, after the general review of the subject which had been given by the right hon. Gentleman. He repeated that he did not feel under the necessity of entering upon the particulars of the plan after the full reference made by the right hon. Baronet to the voluminous despatches which had been laid on the Table of the House. He trusted only that hon. Gentlemen who took an interest in this question had read those despatches; if they had, they would know the difficulties which the noble Lord had had to surmount in dealing with it, and they would know also the mode in which he had dealt with it; and with that knowledge he would leave it to them to say whether or not he had discharged faithfully the duty which had been confided to his charge. He (Mr. Hope) had promised the House not to travel over the details of the system established by his noble Friend, and he would not do so; but, as showing the feelings by which he was guided, and the foundation on which it was based, without any intention to impugn the proceedings of preceding Secretaries of State, he begged to call the attention of the House to the fact appearing in the despatches, that the noble Lord was the first who introduced as the foundation of his plan a regular system of religious instruction for the convict. The deficiency in this respect had first been supplied by the noble Lord. Under the system of assignment, it would, perhaps, have been impossible to adopt such a plan; but the hon. Baronet had fallen into an error in stating, that Lord Stanley had established the probation system. The noble Lord had in fact succeeded to that system: it had originally been adopted by Lord J. Russell, no doubt under a pressure of circumstances which left him little choice and little time to arrange it; but unquestionably Lord Stanley had found it most defective in the point he had alluded to as in others; and though his noble Friend had not established it, yet under his directions, if obeyed, every precaution would have been had recourse to, to give it a fair trial; and before any charge was made against the noble Lord, in reference to the want of success which had resulted, it should be remembered that he had not invented the system: he had found it in operation, and, imperfect as it might be, it would confessedly have been much more imperfect had it not been for his alterations and improvements. It was with great reluctance, while on this point, that he felt himself called upon, in justice to his noble Friend, to refer to the melancholy circumstances connected with Sir E. Wilmot. The facts had, however, been published in the papers before the House; and no objection could be taken to his quoting from them, to show that his noble Friend was altogether free from the blame imputed to him in such strong terms by the hon. Baronet, on account of alleged inattention to the accounts received by him of the working of the system. It would be found, that to the last moment of the administration of Sir E. Wilmot, even in the despatch dated the 10th of July, 1845, the reports received from him at the Colonial Office, were of a decidedly favourable character. In the despatch of last year —a period, it would be recollected, at which he was in a position freely to find fault with the system if it had excited his disapprobation, the conviction he expressed was, that, with the exception of some deficiencies, to which he had before made allusion, the probation system, as improved by Lord Stanley, was the best that could be introduced to attain the end in view. Now he would ask, if it was fair, while despatches such as these were being received, to charge his noble Friend with negligence or indifference, because he did not overturn the whole system thus described as in operation, and substitute another in its stead. With regard to what had been said by the hon. Baronet as to the unfortunate mismanagement at Norfolk Island, he could only state to the hon. Baronet that it was the duty of the Governor administering the government of Van Diemen's Land, to inform himself of the progress of affairs at Norfolk Island; and that it was only in this manner the Secretary for the Colonies could obtain any information relative to that settlement. The same reports were received of the state of Norfolk Island, as were continually received of Van Diemen's Land; and no reason was given to his noble Friend to suspect the real state of the case. That these reports were fallacious, he (Mr. Hope) had now not the slightest doubt. It was now established by official investigation, that its true state was very different from that which it was represented to be. Doubts had arisen in the mind of his noble Friend on the receipt of the despatch dated September, 1845, already referred to by the right hon. Baronet, as to how far these official reports were correct; and he immediately took steps to authenticate the statement made to him in contradiction of the tenor of the official information. He used every exertion to obtain an accurate description of the real state of the island; and the reports he elicited bearing upon the subject were now before the House. It would be obvious, however, that there was the greatest necessity of receiving with caution statements such as those which had been made to his noble Friend, and which had been made the subject of investigation; and though it was made an accusation by the hon. Baronet, that the noble Lord had not acted on the information laid before him, every hon. Gentleman at all acquainted with ordinary reports from the colonies, was aware that there was usually found the utmost difficulty in obtaining such trustworthy statements as to justify the Government at home in relying on them without ample corroboration. He was ready to admit that the appointment of Major Childs had not been a good one. [Sir W. MOLESWORTH: Hear.] The hon. Baronet cheered as if an error was confessed; but let the hon. Baronet hear the history of that gentleman. Major Childs was an officer in the Marines, and the situation to which he was appointed was one not greatly coveted. It was the situation of a gaoler in the Pacific, in a position to deprive him of all society and to separate him from all his friends. The noble Lord had searched in vain for a considerable time for a man who would accept of such a post; Major Childs was willing and was recommended to him as a gallant officer, as having been remarkable through life for the strict discipline he maintained, and for the tact he had invariably evinced in the direction of the conduct of those under his charge. He (Mr. Hope) did not know on what they could rely in the appointment of a public officer, if not on the recommendations of those acquainted with his previous history and services, and yet not concerned in his promotion. If, after every precaution had been taken and every inquiry made into his character, the officer proved unequal to his duties, it could only be looked upon as one of those misfortunes which it was impossible to guard against, and which, however often they occurred, could be no guide for the future. His noble Friend had suffered in this case from such a misfortune; but, he repeated, it was from no want of care in the selection of the officer whose conduct was in question, who had been chosen solely because, on authority on which his noble Friend thought he could rely, he was represented as peculiarly fitted for the post. With regard to the plan now proposed, as detailed by the right hon. Baronet, he must in the first place remark upon a most material change in it, as now stated from that originally brought forward in the other House of Parliament. According to the statement then made, he understood it was intended that hereafter all convicts should proceed, after undergoing a certain process of reformation in this country, to the colonies as holders of conditional pardons — that was, that they should proceed in the condition of exiles, forbidden, as the only restriction on their liberty, to return to this country during the term of the sentence passed on them. The effect of this would have been to make all convicts on transportation free men, with the single exception that they would not be permitted to return to any place within the four seas, during the term of their sentences. But according to the plan now adopted, some of the convicts, as had been explained by the right hon. Baronet, would leave this country with tickets of leave, not conditional pardons. Now the House ought to be aware that the difference between conditional pardons and tickets of leave was one, not merely of form, but of substance. The party receiving a conditional pardon ceased to be a convict; the person obtaining only a ticket of leave remained still a convict; the ticket might at any time be withdrawn, and he would again become liable to convict discipline as a prisoner. The effect of this change was most important as regarded both the colonies and the convicts themselves. As regarded the colonies, it had this most serious consequence, that, receiving convicts on these terms they must continue or become penal colonies. The essence of the system was in the power to withdraw the ticket of leave for misconduct, and send the holder back to a severer system of discipline. But to carry out such a system, penal establishments must be maintained. Now, this altered the whole character of the plan: it made it a modification and continuance, not an abolition of transportation. He by no means stated that as an objection. According to his (Mr. Hope's) views, it was the reverse, because as regarded the convicts, they would retain what he considered most important—a power of punishing them in case of insubordination or misconduct. In support of this view he had high authority. The right hon. Home Secretary appeared, in the proposal he had made on this subject, to have been influenced by the report of the Legislative Council of New South Wales. It was well known that the colonists of New South Wales never assented to the view taken by the Transportation Committee, but were always in favour of the system of assignment; and the right hon. Baronet appeared to him to have overlooked one very material feature of that report. The Legislative Council did not profess a willingness to receive all persons holding conditional pardons; but the classes they proposed to take were young delinquents who had committed first offences, after little or no probation; convicts who had committed graver offences, after a probation proportioned to their crimes; convicts, under some circumstances, at the commencement of their sentences; and convicts from Van Diemen's Land with tickets of leave. It was obvious that the Legislative Council of New South Wales were ready to receive holders of tickets of leave, though they would not receive persons holding conditional pardons, because the former class were subject to discipline and coercion, from which the latter were exempt. Their authority was one distinctly in favour, not of the abolition, but of the modification of transportation. This brought him to the points which he wished to urge on the attention of the House. They were three. He contended, first, that nothing could be effected at home in convict discipline, which could not be effected in the colonies; secondly, that there were advantages for carrying it out in the colonies, which could not be obtained here; thirdly, that there were disadvantages in carrying it out here, which would not exist there. There was, no doubt, one strong point in favour of the system proposed by the Government, as compared with the old plan of transportation, in the check and control which it was proposed to maintain over the working of the system by close inspection in this country. He admitted this; but in doing so he gave the Government the benefit of the only advantage which could even be alleged in favour of carrying out a convict system at home. He said "alleged," because he considered the difficulty of effecting the same end in the colonies by no means insuperable—in fact, quite the reverse; for he believed that, merely by a more liberal expenditure, the difficulties with regard to the want of efficient superintendence in the colonies might almost certainly be overcome. The superintendence of the convict colonies was a charge of the utmost importance, which ought not to be confided to second-rate men: it should be committed to the highest class of public officers; but, in order to induce such individuals to undertake a charge of this nature, they must hold out to them some adequate remuneration. The hon. Member for Montrose was apt to carp at the expenditure of Colonial Governments. [Mr. HUME: The expenditure of Government at home.] He was glad to hear the hon. Gentleman's disclaimer. It was absolutely necessary, in order to secure good officers for carrying out this system of transportation, that a high rate of remuneration should be given. If this were done, he saw no reason why as efficient a superintendence might not be maintained in the most distant colonies as at the Isle of Portland or at the Isle of Wight; and he was glad to find that the hon. Member for Montrose was ready to support his views. He considered that, among the evils of the present system, there were none which might not be remedied by efficient and active superintendence; which brought him to the two other points he urged, viz., that he believed that nothing could be effected in this country with a view to remedy those evils, which might not with equal ease be accomplished in the colonies; and that there were advantages in the colonies, which did not exist in this country, with respect to any system of convict discipline. The evils which had been referred to as connected with the present system, appeared in truth to have arisen from the want of the commonest diligence, activity, and care, in the superintendence and management of the convicts; they had arisen from the want of precautions which it was the special duty of those who were intrusted with the control of the convicts to have adopted—from want of separation, watching, employment, and accommodation. Strange to say, there appeared to exist in the colonies to which the system had been extended, the opposite evils of want of accommodation in point of buildings, and want of employment for these convicts; and it did seem to him most extraordinary that they should receive from the superintendent of a penal settlement a statement that he did not know how to afford employment to the convicts, while there was a considerable deficiency in the number of buildings required for their reception, and an admitted abundance of materials fit to be used in their construction. If the evils of the system arose from such simple causes—and that they did arise from them was apparent from the papers before the House—he considered that they might be remedied without any great difficulty. In support of this view he would refer the right hon. Home Secretary to the authority of Mr. Latrobe, than whom it would be admitted no one was more competent to give an opinion on the subject. Mr. Latrobe, in a letter contained in the correspondence last presented to the House, after stating that he did not wish unnecessarily to magnify evils, the existence or growth of which might be attributable to the present system, added, "I am far from thinking that even the gravest may not be successfully combated." He (Mr. Hope) did not wish to place himself in a position of antagonism to the Government on this question; but he would call upon them to consider whether the opinion which they seemed to have adopted—that the evils of the present system could not be remedied, except by a total abandonment of transportation, was a just conclusion. He believed that those evils might be remedied by a proper system of seclusion and separation: for such a system he was prepared to contend that much greater facilities existed in the Australian colonies than in this country. And, first, as to seclusion in this country: they were compelled to have recourse to an artificial seclusion by the building of prisons; but in Van Diemen's Land there were numerous situations where the means of seclusion were already provided by nature; and whereas the risk of attempting to escape would be infinitely great in proportion to the hardship of the punishment, the inducement to attempt escape was proportionably diminished. In Van Diemen's Land, with a population of about 60,000, they had an area nearly as large as that of Ireland, with 8,000,000 of inhabitants; and there were numerous spots, secluded not only from intercourse with all civilized people, but—which was not the case in other Australian colonies—from all contact with the aboriginal inhabitants. And, next, he would ask whether it would be more difficult to carry into effect in Van Diemen's Land the second great requisite to which he had referred—the system of separation—than it was in this country? He contended that it would not. In Van Diemen's Land they had a superabundance of unemployed labour; and they had an abundance of materials; and it appeared to him that if there was any want of proper employment for the convicts, they could not be better engaged than in the erection of buildings for their own separate accommodation. He said "separate accommodation," because, although it was not his intention to impugn the merits of the separate system (he believed it had been productive of very great benefit); yet he thought the House should not be carried away with the idea that, in the working of the separate system, as carried out in all its strictness at Pentonville, they had such a complete cure for crime as entitled them to rely with confidence upon its operation in all cases. It struck him, on reading the reports on this subject which were in possession of the House, that too much had been said in favour of the absolute certainty of the reformation produced by the separate system alone. According to his views, convicts were softened by it to an unnatural extent—their improvement was not tested as it ought to be to ascertain how far it was real by some contact with the world. On referring to the account of the exiles sent out two years ago to Port Philip, it appeared that many of those convicts who bore the best characters at Pentonville, and who were distinguished for good conduct during the outward voyage, had turned out much worse than their fellows after being landed as free men in New South Wales. One of the convicts stated in a letter, printed in the papers laid before the House, that those who had been the greatest saints at

Pentonville prison, were the worst characters at Port Philip; and that, had they been left at Hobart Town, where those supposed to be unreformed had been left, and had some who were left there been taken to New South Wales instead, the latter would have done much more credit to the discipline of Pentonville. This statement was fully borne out by the reports; and he considered that to launch these persons at once into temptation, without any controlling power, after they had been subject for a considerable time to the restraints of confinement under the separate system, was not giving that system fair play. He thought the House would agree with him in the opinion that it was most important some intermediate stage of probation should be interposed. And he was prepared to maintain that for the purpose of affording any such intermediate stage, the colonies supplied facilities not to be obtained elsewhere. It was, in fact, possible, only he believed by means of that mixed system—by liberty granted, liable to be forfeited by misconduct as carried out under the probation and ticket of leave system—a system which obviously it would be in vain to attempt to act upon in any, except a society expressly constituted for the purpose, as was the case in a penal colony. And this brought him to the last consideration he had to offer to the House, viz., that there were disadvantages in carrying out a system of convict discipline in this country, which did not exist in the colonies. And first, as regarded the power of separation, it appeared that in this country, if that system were adopted, about 2,500 additional cells would be immediately required for the reception of prisoners. The right hon. Gentleman said, that he had 500 cells in the Pentonville prison; and Major Jebb calculated that there were 1,000 cells in the county prisons applicable to the purpose. But this plan must come into operation immediately; and, in order to carry out the system, it would be necessary to find accommodation for the separate confinement of at least 4,000 persons annually. The right hon. Gentleman calculated that he would only have about one year for each; but taking the time at eighteen months, the period for those not behaving well, there might be about 6,000 persons to provide for; and here came a practical difficulty in the question—how was the expense to be met? If there was no objection to the system, how was the money to be provided? For his own part, he could have no objection to grant the money if it would be productive of proportionate good. He came then, however, to the second stage of the proposition, which appeared to him to be beset by a difficulty beyond the mere financial considerations. In the colonies they had the advantages of a productive soil, a great field for labour—they had the terror of the consequences of escape, and all temptations to attempt it, were far removed, the possibility of ever reaching home being very doubtful. But in the Isle of Portland, or in the Isle of Wight, where the convicts were within a few days' journey of any part of the United Kingdom, the case was different. This was a difficulty which in the minds of the convicts they never could overcome. It had been said that the Judges had expressed an opinion favourable to the abolition of transportation. Such was not the case. None of the Judges, in the evidence which they had given before the Committee of the House of Lords, had stated that the sentence of transportation could be dispensed with. He believed that all the Judges were unanimous in the opinion that no sentence could have an effect on the minds of convicts similar to that of being sent out of the country. One of the Judges, indeed, had said, "transportation as it was at present carried out" should be put an end to; but it was only as at present carried out. He regretted that the evidence to which he alluded was not before the House. But let the House consider well the probable effect of the home system as intended by Government. If it were difficult to anticipate how the proposed system would work in this country, they might refer to the example of a neighbouring nation, namely, France. He was not aware that our criminals were less daring or less dexterous than those of France. In France there existed means of coercion which were not to be found in this country. In France there were fortresses, which, however doubtful their benefits in other respects, were, in regard to the surveillance of convicts, unquestionably advantageous. In France, too, there was a much larger military force than in this country. Yet what was the case there, even with all these advantages? Not only had the convicts loaded guns pointed at them during work, but such was the difficulty of controlling these masses of convicts (he had it from an eye-witness), that they slept on long benches—some hundreds on each bench—and at the end of every bench stood a sentry with a 12-pounder cannon loaded, and a lighted match in his hand. Was that a system which would be tolerated in this country? [Sir G. GREY said they were about to alter that system.] Possibly they might; but the French were not deficient in invention, and yet up to the present time they had found that that was the only safe system which could be adopted towards their criminals if they wished to keep them under due control at home. And he did not know where to look for a Government more enlightened or more disposed to treat their criminals as humanely as was consistent with the safety of the country than was the Government of France. And yet what was the state of things in France with regard to their criminal population, notwithstanding all these precautions? Why, the districts in which the criminals were punished were frequently in the greatest degree of confusion, and almost revolution, in consequence of the criminals breaking out of their gaols; and frequently whole villages had to be put under martial law for the purpose of enabling the Government officers to secure the runaway convicts, who brought moral contamination with them wherever they went. He would say distinctly that such a system would never be tolerated in this country. But the custody of these convicts while under discipline, difficult as it would be to effect, would be a minor difficulty compared with what would be experienced in connexion with the proposed plan, in the disposal of convicts after the expiration of their terms of imprisonment. They should be kept under the eye and control of the Government, even after their liberation; and that could not be done so well at home as in the colonies. He wished to know what was the course intended to be taken with regard to those convicts whose good conduct at the public works would not entitle them to the indulgence of a ticket of leave? Were they, notwithstanding, to be liberated? If not, what was to be done with them? But, assuming the plan of the Government to work well, how were those who had deserved indulgence to be disposed of? According to their plan, by being sent to the colonies; and in that he agreed. He held, that one main feature in a reformatory system was the removal of a criminal from the country in which he had been convicted, although he knew, in expressing this opinion, that he differed very widely from the hon. Member for Southwark (Sir W. Molesworth) and the hon. Member for Dumfries (Mr. Ewart). He held it to be most important—for the convict, as opening to him a new field, free from the influence of former associates and the stigma of former bad character—for the country, as carrying off into a wider field those streams of labour—tainted, no doubt—which, though they must continue, if pent up in narrow limits at home, polluted themselves and were the cause of pollution in others, yet dispersed over a more extended range would at once fertilize it, and themselves become purified. When the example of France was looked at, with reference to the treatment of convicts, they had warning enough against the adoption of the home system. He need not repeat to the House the difficulty experienced there by even those best inclined to reformation of the convicts whose sentences had expired; but he would direct attention, as regarded the community at large, to the circumstance, that there, with a population of 34,000,000, there were but 7,961 convicts withdrawn from it, as shown by the official tables; whilst in this country, with a population of only 24,000,000, there were no less than 50,000 convicts under sentence, or who had been removed to the colonies; leaving, therefore, as regards the great object of removing contaminating influences—taking into account the fact that the convictions in France exceed rather than fall short of the same proportion to the population which they bear in this country—this remarkable difference in favour of our system, that we have been relieved from criminals in a proportion at least sixfold greater than have the French. Great, however, as were the advantages of transportation to the mother country, far be it from him to contend that it ought to be persisted in to the detriment of the colonies. The great difference in the effect upon a new country, however, from that upon the old, from the collection of criminals, it must be remembered, arose from the wide field for labour; and he could not give a fairer or a fuller answer as regarded the general effect of the system of transportation upon the penal colonies than by referring to the immense progress which had been made by New South Wales. If that system had been so substantially bad as it had been represented, those colonies could not possibly have progressed so wonderfully as they had in prosperity; they had prospered indeed to an extent quite unknown in the history of modern civilization. New South Wales, which about forty or forty-five years ago was almost unpeopled, had now a population of 150,000, and her exports amounted to between 1,000,000*l.* and 2,000,000*l.* annually. Mr. Baker, a barrister, who visited Sydney and Melbourne in 1844, in a work published the following year, stated—

> "Sidney has a population not far short of 30,000; and though it has one, and sometimes two, of Her Majesty's regiments stationed there, and a great many sailors from all parts of the world are always to be seen in it, yet it is one of the most orderly towns a traveller can visit. I witnessed neither the brawl, nor the drunkenness, nor the shameless prostitution which so often shock and offend our own streets, whilst the only beggars I met were the two blind men previously mentioned. Another proof of the prevalent order of the town, is the general decorum observed on the sabbath. On the whole, great credit is due to the authorities for their excellent government of a population amongst whom might be expected much disorder and unseemly immorality."

The right hon. Gentleman (Sir G. Grey) had described the system of transportation to be productive of insecurity of life and property in the colonies; but if they referred to the evidence of the Rev. Mr. Fry, in the papers on the Table of the House, they would find that he states—

> "I gladly declare that the statements in that paper (a paper inclosed) of the wonderful tranquillity, security, and good order of the colony of Van Diemen's Land, are completely true, and that the condition of the emancipists—tickets of leave and probation pass holders—is not inferior to that of persons in the same stations and occupations in England or elsewhere; that the presence of convicts has not a seriously demoralising effect upon the habits and manners of the free inhabitants, male or female; and that instances of reformation and of respectable conduct in the convicts are very common, and delightful to witness."

And again—

> "As a proof of the benefits of transportation, I may mention that I have married above one hundred discharged convicts within the past year, and that I believe the great majority of them are living in a condition equal to that of persons in similar stations in England."

He (Mr. Hope) quoted Mr. Fry because he considered him the best possible witness, as being himself an opponent and not a supporter of the existing system of convict discipline. Taking, then, into account the comparative advantages of both systems, he did not think a case had been made out to justify the total abolition of transportation. Before abandoning the system of transportation, he thought they should have tried the effect of a new and improved system of convict discipline in connexion with it; and for that purpose the Government in fact had found ready prepared, had they chosen to avail themselves of it, the colony of North Australia, by means of which they might at once have effected what he admitted was required, the relief of Van Diemen's Land from immediate pressure: that done, he saw no reason why its prospects should not revive, believing, as he did, that our Australian colonies had arisen to their present state of prosperity, not in spite of, but in consequence of their foundation as penal settlements. In conclusion, he would say that he did not find fault with the Government for endeavouring to effect a change; but his object was to forewarn them, for forewarned was forearmed. The fact was, let them adopt what course they would, they must do so only as a choice of difficulties, and a choice of most enormous difficulties. It was one of the consequences of crime that it entailed not only upon those who were immediately affected by its commission, or who were to be punished for its committal, the direct evils which flowed from it; but, apparently as an inducement to invent means of preventing rather than punishing it, it entailed indirect evils upon society at large, flowing from the very modes themselves by which it was sought to be punished.

Mr. E. DENISON had at one time entertained very great fear, from what had occurred in another place, that transportation was to be abolished, and that after a certain system of probationary punishment in this country offenders were to be sent out as exiles, as free men, in fact, left to their own discretion and without control, and to be lost in the mass of free emigrants. He could hardly express the relief it was to him to find that the plan had been revised, and corrected, and improved, in the manner stated by the right hon. Gentleman (Sir G. Grey), and that transportation was not to be abolished, but retained, and, it might be hoped, made more effectual; that offenders were to pass from this country, still under the supervision of the law, as convicts with conditional pardons, or with tickets of leave. The improvement was so great, that after the speech of the right hon. Gentleman, he (Mr. E. Denison) was ready to confess at once that his apprehensions were removed, and that he now contemplated the proposed plan with cordial approval. He should say, however, that the experiment which had been tried at Norfolk Island, by Captain Maconochie, had been passed over too lightly. Captain Maconochie had, by acting, as it was described, rather on the hopes than the fears of the convicts, in fact, began his reign by a sort of holiday. The principle laid down was, that the convicts were not to be considered as persons wholly incorrigible, or altogether evilly disposed. Now, it should be remembered that the persons with whom that gentleman had to deal, were men who had been twice convicted and twice sentenced to transportation: first, from this country to Van Diemen's Land; and again, for additional crime, from Van Diemen's Land to Norfolk Island. Should such a scum, which had thus twice been cast up to the surface of society, be designated as men not to be considered altogether evilly-disposed persons? He disagreed with the hon. Member for Southwark (Sir W. Molesworth), who had stated on the previous evening that transportation had no terror for people in this country. That hon. Baronet laid great stress upon the report of the Committee appointed in 1837; but that Committee allowed that "the average amount of pain inflicted upon offenders by a sentence of transportation, was very considerable;" and that "in the rural districts it was regarded with terror." As to the objection of its unequal or uncertain operation, that defect would apply to all punishments that could be devised. The hon. Baronet made much of the great names on that Committee; but the report could hardly be offered to the House with their united weight. In 1837, the Committee sat fourteen times, but Lord J. Russell attended only once, and Sir R. Peel only twice; in 1838, they sat eleven times, and Sir R. Peel attended but once, and Lord J. Russell not once. At one sitting, only five Members were present, and at several there were only six; so that, under such circumstances, he did not think the report of that Committee could be offered to the House as one supported by the united force of all the important names attached to it. As to the necessity of retaining the punishment of transportation, in the papers before the House there would be found a despatch from Mr. Gladstone to Sir C. Fitzroy, dated May the 7th, 1846, in which it was stated—

> "Public opinion has demanded and Parliament has enacted the abolition of the punishment of death in almost all cases, except treason, murder, and the infliction of wounds with a murderous intention. Hence the importance of an effective secondary punishment has become greater than at any former period. Yet, transportation is the only such punishment to which it has been found practicable to resort. For the present, at least, it forms an indispensable part and adjunct of the penal code in its mitigated form. By doing away with transportation, the United Kingdom would be deprived of the only effective secondary punishment, in reliance on which the punishment of death had been discontinued."

The opinion of Mr. Baron Alderson had been cited, as unfavourable to transportation; but this is what that learned Judge said—

> "I look upon transportation as a proper punishment to be retained. It is a balance of evils, and the less evil is in retaining it."

Lord Denman's opinion against dispensing with transportation, was well known. Mr. Justice Erle gave it as his opinion—

> "I think transportation has a strong effect in repressing crime, and is more penal than imprisonment here is ever likely to be. The dread of transportation has appeared to be in proportion to the intelligence of the prisoner;"

—a very important matter, now that we were proposing to extend education. The opinions of Mr. Justice Wightman, Mr. Baron Parke, Mr. Justice Patteson, Mr. Justice Maule, Mr. Baron Rolfe, and several of the Irish Judges, might all be cited to the same effect, in favour of transportation as a punishment much dreaded by criminals. The Lord Justice Clerk of Scotland

> —"regarded it as a restraint of the greatest possible weight on the great bulk of mankind. . . . . In some instances the effects of transportation seemed to be the immediate and complete repression of the crimes for which it was inflicted. I mention in Scotland the acts of violence and rioting by workmen in 1842, and railway rioting with great and inhuman violence in the spring of 1846. Sentences of transportation in two or three appropriate and bad cases, at once and immediately in a most remarkable manner repressed all such outrages. . . . . I believe nothing could compensate for the abolition of the punishment of transportation. . . . . I am firmly impressed with the conviction, that imprisonment generally is a punishment which has no terror for the bulk of offenders, and does not operate in deterring others from crime."

Lord Cockburn and Lord Moncrieff expressed similar sentiments. In Ireland, the Judges had delivered similar opinions. Baron Pennefather said, he did not think the punishment of transportation ought to be abolished, as it was absolutely necessary to the preservation of life and property in Ireland; and Chief Justice Doherty and Baron Lefroy had spoken to the same effect. There was only one subject upon which he had to express any difference of opinion between himself and his right hon. Friend. It was with regard to the ticket-of-leave men, and those receiving conditional pardons; and he probably should not say that even upon that point there was a difference of opinion. But he could not help thinking that his right hon. Friend ought to direct his attention to that branch of the question, with a view to its improvement. A convict, such as the plan proposed to give unlimited freedom to, would be almost a free agent. He would refer to the opinions given by persons conversant with the condition of the penal colonies, and particularly that of a gentleman who had been in the position of Comptroller General, Mr. Hampton, who, in a report dated the 26th October, 1846, had stated that he thought it would be well if the conditional pardon could be made revocable for the future on the arrival of the convict at the colony, for some of the persons most highly recommended on going out, were found after their arrival to be amongst the very worst. Many of those recommended convicts were persons who had made themselves useful in the prison, and exhibited great symptoms of penitence and good behaviour; but so soon as they got their freedom they gave loose again to their propensities. He thought that a strict control ought to be kept over those convicts. Bad men might congregate together on their passage out, and lay plans for keeping together after their arrival and settling themselves in the towns. He thought that a plan somewhat similar to that adopted in the case of the boys sent to Parkhurst prison, might be extended to the convicts. The boys were sent out under the charge of superintendents, and were apprenticed out; but a careful supervision was still kept over them. A similar sort of apprenticeship or hiring out might be adopted with the men, and by that means a supervision could be maintained over their actions and proceedings. They could be prevented from congregating in the towns, and compelled to disperse into the country. In a despatch from Port Philip, dated November 19, 1846, it was stated that so great was the want of labour, that a distribution of 299 men among employers had scarcely made any impression on the demand for servants. Another communication urged that if a sufficient supply of free labour could not be sent, the convicts might be sent again; and the writer, though looking with repugnance on the old system, expressed the firm belief that the results would be in three years to restore the prosperity of the colony, to revive the land fund, and, through that, the means of free emigration. If a system of apprenticeship were established, a sum of 30,000*l.* or 40,000*l.* might be raised by fees paid for the use of the convict labour. In a communication which he had lately received from a gentleman of considerable weight and influence in the colony—he meant Mr. Hamilton—that gentleman had said, "If you cannot send us a sufficiency of free labour, in Heaven's name send us convict labour, or raise a land fund and apply it to the promotion of a system of free emigration." Now, there were three parties whose interests were involved in the measure of transportation—the mother country, the convicts themselves, and the colony. To each of these parties he conceived it would be most advantageous. He thought it would be bad to put out of joint a system which seemed to have worked so well; but he agreed that it was very difficult for the Government to lay down any specific rule. After what his right hon. Friend had said on the preceding night, he was satisfied to leave the matter entirely in his hands, and he trusted that transportation would be made an effectual arm of the law.

Sir J. PAKINGTON felt confident that the Government had brought forward this question with the best possible intention, but, at the same time, must remark—and he did so with regret—that the Government had brought forward this great question in a hasty, premature, incomplete, and incautious manner. The hon. Gentleman did not seem to have given the Government that consideration which it so eminently required. Their course had been a precipitate one, and they had justly subjected themselves to grave censure. In order that any change in the present system should be effectual, it ought to be fully developed at the time it was brought forward; for those changes of opinion on the part of the Government in the main features of so important a scheme, were calculated to do it irreparable mischief, and to make men distrust its utility. He agreed with his right hon. Friend (Sir G. Grey) that it was impossible to retain anything so demoralising and so thoroughly disgraceful to a civilized country as the present state of affairs in our penal colonies. He must say, however, that he did not think the probation system had had a fair trial, for it was brought into operation in Van Diemen's

Land under the most unfortunate circumstances. But at the same time he must express his firm belief that no case had been made out against transportation as a whole; because, admitting that the former system of assignment was bad, and that the probation system had not been successful, he did not think it therefore followed that the transportation system ought to be altogether abandoned, or that it was not capable of being made an efficient punishment if conducted under proper regulations. He therefore regretted that Government had taken the course they had done; and he must especially disapprove of their attempting to effect a change, as in this case, in one of the most difficult and delicate duties of Government on the sole authority of the Crown, and without appealing to the sanction of Parliament. He did not think that upon this point the right hon. Baronet had acted up to his own professions as contained in his letter to Lord Grey, at the conclusion of which there was a short but important paragraph to the effect that if this new system were permanently adopted, it would be necessary to embody it in a Bill to be submitted to Parliament; and that it would be expedient to revise those statutes which made offenders liable to transportation. He agreed with the right hon. Gentleman in both these positions, and he wished to know why they had been abandoned. Perhaps the right hon. Gentleman would say that this proposed plan was only intended as an experiment, and not as a permanent system; but, in the first place, he considered that a change of this magnitude ought to be brought forward by the Government on their own responsibility, after full and mature consideration, and that they ought to propound it as a settled system; and therefore he could not admit that it ought to be lightly dealt with as an experiment. But more than that, he would say that neither in the speech of Earl Grey in another place, nor in the speech of the right hon. Gentleman last night, was there any indication that this plan was intended to be of the nature of an experiment. But, strong as his opinion was on this part of the subject, he felt still more strongly on the second point alluded to in the paragraph—that before any change was made, it was the duty of the Government to revise the penal code of the country, and particularly those laws by which offenders were made liable to transportation. For want of such revision, he begged of the House to consider what would be the position of all persons holding judicial situations in the country. The noble Lord the Member for Hertford, in his able speech last night—in every word of which he concurred—very strongly dwelt upon this difficulty. What would be the meaning of a sentence of transportation under the proposed system but an idle form of words? Those unfortunate classes who were exposed to it would soon come to know that its real meaning was, that they should either be kept at home, with a prospect of free pardon after a limited period, or, as the other alternative, that they should be sent out to the colonies, where their families would follow them, and where they would be placed, he feared, in a better condition than that of the honest labourer who remained at home. He thought the right hon. Baronet, in his speech last night, had dwelt exclusively upon the effect of the punishment on the individual punished; and he did not sufficiently advert to its important influence in deterring others from committing crime. Whatever might be the faults of the transportation system, whatever doubts might be entertained as to its effects upon the individual himself, he had no hesitation in saying—and he had often witnessed it in his own experience—that it had the greatest possible effect in deterring others; and he did not believe that the plan which the Government now proposed could possibly exercise a terror over the class that were in danger of becoming criminals, equal to that of transportation. With regard to this plan itself, it divided itself into three parts. The first part was, that for periods extending from six to eighteen months, convicts should be kept in prison. The first portion of the sentence might be inflicted in this country. He thought they had reason to complain that there had been such a want of explanation in the speech of the right hon. Baronet (Sir G. Grey) of the details of the proposed system of prison discipline, or as to the means at the disposal of the Government for carrying it out. The noble Lord (Lord Mahon) had last night calculated the number of criminals annually sentenced to transportation at 6,000; the hon. Gentleman the late Under Secretary (Mr. Hope) at 5,000; he would assume the number to be 4,000. Now, what was the extent of prison accommodation in this country? Referring to the valuable document for which they were indebted to the noble Lord (Lord Mahon), which comprised the answers to the circular sent by the right hon. Baronet to the prisons of Great Britain, it appeared that out of 133 prisons in England, there were 23 where there was no efficient system of discipline at all, and that there were 24 where the separate system prevailed. Of that system, after the experience they had had of it at Pentonville and elsewhere, he must record his conviction that it was the best that had yet been devised, and one that was capable, if duly carried out, of being rendered highly beneficial to the country. For his own part, he wholly repudiated the idea which was often advanced, that offenders were not to be reformed in prison. Let those who doubted that they could, read the history of Sarah Martin. He repeated, however, that he did not see how the right hon. Baronet was to provide the proposed prison discipline for the number of offenders who would have to be annually subjected to it. The right hon. Baronet had himself calculated that there was accommodation for 1,000. He (Sir J. Pakington) had carefully examined the returns, and he found that there were extra cells under the separate system for 1,510, exclusive of those at Pentonville and Milbank. [Sir G. GREY: And Parkhurst.] Making the utmost allowance, he did not see how it would be possible to accommodate 2,000; yet the lowest average of offenders transported yearly for long or short terms was 4,000. In Scotland, it appeared the accommodation would be deficient, as compared with the want, to the extent of 702 prisoners. He feared, then, that the accommodation would be wholly deficient, and the separate system was one which required to be carried out in perfection. So much for the first stage of punishment proposed by the right hon. Baronet. Towards what he would call the second stage, he confessed that he entertained the most unqualified dislike; and here again he must complain of the want of information as to the means there were of putting it in force. It was most important to know what proportion of the whole sentence was to be passed in this second stage, so that when there was an addition of from 4,000 to 5,000 men annually, some idea might be formed of the whole number that might be working on these penal gangs at one time. It had been well urged, too, by the noble Lord the Member for Hertford, that it was essential to guard against the displacement of honest, independent labour, by this penal labour on the public works. Who, again, could guarantee that some of the worst evils of the old system would not be reproduced, and that those who might otherwise have been reclaimed would not become depraved by working in these penal gangs? He regretted also to have heard the right hon. Baronet state last night that there was an intention of reverting to an extension of the hulk system, more especially after the exposure that had resulted from the recent inquiries, at the instance of the hon. Member for Finsbury. It was a system almost as bad as that at Van Diemen's Land. As to what was proposed for the last stage or period of punishment, he confessed that he could not understand it. The right hon. Baronet had not been distinct on the subject. His letter to Earl Grey said nothing of tickets of leave, but spoke only of conditional pardons; his speech of last night spoke of both. Thus it seemed some of the bad features of the old transportation system were to be perpetuated. It was radically wrong that these persons should go out to the colonies with advantages of position which were denied to the independent labourer. He regretted to have had to make these observations. He had made them in no spirit of hostility to the Government. But he must express a hope that, after the unanimously expressed opinion of the Judges, the Government would not persevere in pressing so great and important a change of a system, solely on the authority of the Crown, and without calling for the sanction of the Legislature. If they did, he should be compelled to vote against it.

MR. HUME reminded the House that the real subject before them related not to the wide subject of transportation at large, but to the superintendence of three Government prisons, Pentonville, Millbank, and Parkhurst, by one class of individuals only. In the principle of that Bill he entirely agreed. One of the great evils of prison discipline in this country was, that in every prison there was found a different system; and his opinion was that it would be a great advantage to place the prisons under one superintendence. He had always contended that there ought to be a Minister of Justice to regulate not only all courts but all prisons. There was no civilized country upon earth in which the gaols were so grossly neglected as in England. Though he greatly objected to the system upon which transportation proceeded, he was not opposed to transportation itself as a punishment. The principle of the present

Bill had his entire assent; and whenever it came to be considered in Committee, he should willingly assist in trying to improve it. In 1840, when transportation was put an end to, he expressed doubts as to the expediency of that measure; and hon. Members could not have forgotten that instantly on the announcement of that important step, meetings were held in the colonies, and protests were entered not only against the evidence on which it was founded, but against the conclusions at which the Committee had arrived. He repeated that he did not object to transportation as a mode of punishment, but he protested against the system under which it was carried out. This country had colonies well suited for purposes of penal settlement; and it appeared to him that we lost all the benefit of those colonies by the mode in which the punishment of transportation was carried into execution. Amongst the evils of the system he might mention the great powers with which governors were invested; and therefore transportation had long been an insufficient punishment, for governors might mitigate or remit it as they thought proper. Capital punishments had recently been put down, and were we now to get rid of all secondary punishments? To this matter there were three parties—the British community, the colonies, and the criminals. Now, he would ask, were we to disregard the effect of transportation on the colonies merely because some abuses, which he contended were remediable, had crept into the mode of administering the law. The separate system would require 6,000 or 7,000 distinct cells, in order to give the plan a fair trial. It ought not to be proceeded with without a fair trial, though in this country it rarely happened that fair trials were given to anything. In the last five years the gross number of offenders arrested was 138,000, exclusive of 318,000 summary convictions, making in the whole somewhere about half a million in the course of the five years. 5,000 was the average number for whom accommodation would require to be provided if this course of discipline was adopted. Here then a difficulty at once met him in the face. There was not sufficient accommodation to adopt the separate system. It must fail, therefore, because there was not the means of carrying it into execution. So much for the first stage. With reference to the effect of imprisonment in reforming offenders, he had questioned persons who had been governors of gaols for eighteen or twenty years; he had questioned the late Alderman Wood and other magistrates of London, who had given great attention to the subject, and one and all of them were doubtful and distrustful of the possibility of reformation taking place in prisons. They all agreed that a change of locality was necessary to give them a chance of reformation. It would be quite impossible to carry out the separate system for all the prisoners who would require to be provided for, if transportation was abolished; and, such being the case, what would be the effect of so many men congregating in gangs? The result would be, that if there was a bad man in the gang, he would contaminate all the rest. He would ask too what would be the risk if circumstances should lead to outrages in this country, with so many convicts in it? Unless the scheme had some overbearing and great advantages, these facts ought to arrest the attention of Government. He feared also that it would require 10,000 or 15,000 additional soldiers to act as guards to the prisons. The scheme was altogether crude and ill-digested; and it would be impossible to carry it out. He gave the right hon. Baronet (Sir G. Grey) and the Government credit for the best intentions; but he was confident they had not considered the question in all its bearings. If they were unable to provide for the convicts in the second stage, what was to be done with them in the third? If they were landed in some distant colony, and exposed to all the evils of working in gangs, where one bad man could make many as bad as himself, it was impossible for them to escape contamination; and all the advantages of separate confinement would be lost the instant they were associated in gangs. There was an absolute necessity for some line of demarcation between the different grades of punishment, and between sentences of seven years and fourteen years, and transportation for life. He begged the House to remember that New South Wales grew rich in consequence of the system of transportation, when the numbers were such that they could be absorbed into her population; and that but for this very system she would not now be sending over her 20,000,000 lb. of wool annually as she did at present to this country. As to the argument respecting the effect of the punishment on different constitutions, he thought the objection could not be remedied, for it was common to all punishments, as crime was common to all constitutions. There was no disinclination to receive more convicts. Mr. Boyd, one of the largest farmers in the island, declared he was prepared to take any number of them, and there was a much greater chance of reforming them than at home. Let them look to the effects of separate imprisonment. He understood that in Perth prison, where the separate system was carried out, the recommitments were 67 per cent. From a petition from Liverpool, which had been laid on the Table of that House, he found that within the last seven years there had been convicted 32,000 males, and 19,000 females, total 51,000; of whom, under seventeen years, there were 5,000; once convicted, 25,900; five times and upwards, 25,000. Now, just fancy in a society like Liverpool, what injury such a population of criminals must inflict, especially upon the rising generation. He had been informed by a gentleman that there was a prisoner in Tothil-fields prison who had been 180 times convicted. He found, that in the average of all the recommitments in England and France, the difference was not more than one per cent. In the prisons of France the average was thirty-three; in the galleys, thirty-two; in Belgium, thirty-three; and in England thirty-three. In England, the number of recommitments ranged from 47 per cent in London, down to 16 per cent in the distant and less populous districts. All these facts would tend to show that the assignment system was better for society and for the criminal himself. It was known that many who went abroad under the assignment system died wealthy, and left property to their families. Why, then, should we run the risk of contaminating our whole people, and retaining such a mass of vice in this country? He had always thought there was a negligence in suppressing crime in this country, and he had been anxious to see what good was derived from the establishment of the London police, which he believed to be an excellent body, and on an excellent system. Looking to the results, he had a right to affirm that a strong case was made out in favour of a good preventive police. Much had been said with respect to the state of things in Norfolk Island; but the system of Captain Maconochie, as a means of reformation, had failed, because the officer who succeeded him was incompetent and unfit. He hoped Government would reconsider this great and important subject, and correct the abuses to which it was liable, and spread the convicts over the colony, as fast and as wide as they were able. He would vote for the present Bill; but in Committee he would recommend certain alterations, particularly in the number of the Commissioners, and he hoped Government would bring in a Bill to point out what changes they intended to introduce into the system as speedily as possible.

Mr. HAWES had listened from the beginning to the end of this debate to the various speeches of hon. Members, and two considerations had pressed themselves very strongly on his mind. In the first place, he was surprised to find that the plan of the Government was regarded exclusively with reference to the interests of the mother country, and that no one had spoken of the mischievous and deadly influence which the system of transportation exercised over the colonies. If they could have wished to demoralise and degrade them, they could not have conceived a system more calculated to effect that end. It was no answer to him to advance the material prosperity of those colonies, unless at the same time they could show something like a progressive advance in intelligence, religion, and morality; and, so far from that being the case, all the accounts they had received of the effects of transportation, while it existed, in New South Wales and Van Diemen's Land, and, lastly, the appalling accounts from Norfolk Island, showed them that such a system must be most injurious to the interests of those colonies. The hon. Baronet on the other side of the House, who had spoken that evening so ably on this subject, had made one great admission. He said that the first stages of punishment of a convict ought to be passed in this country. But that was a distinct feature of the plan before the House; and the convict who went from hence after that probation would be in exactly the same position as the convict in the colony who had obtained his ticket of leave. [To prove the demoralising effects of transportation upon the colonies, the hon. Gentleman quoted an extract from a letter written by the Bishop of Tasmania; he also adduced the petition of 1,750 inhabitants of Van Diemen's Land against it as an instance of its failure as a punishment and its degrading tendency.] The hon. Member for Montrose had called for a well-regulated system of transportation, in which he was backed by the hon Baronet; but for the last seventeen years experiment after experiment had been made, and successive attempts set on foot to modify that punishment, without success. The most stringent measures had been adopted to maintain discipline in New South Wales, but had failed to effect that object. Sir George Arthur, in a despatch written in 1836, expressed the most decided opinion as to the impossibility of effecting any further improvement in the system, so far as superintendence and severe discipline were concerned. It should be borne in mind by those who objected to the plan proposed by the Government, that they were exposed to considerable difficulty in continuing the system of transportation. Colony after colony had petitioned the Home Government against its continuance. Already Australia and New South Wales were excluded from its operation; and a strong popular feeling against it prevailed in Van Diemen's Land. In a memorial which had been forwarded to the Home Government by the operatives of Sydney, reference was made to the improved state of society which had been the consequence of the abolition of transportation to that colony, and great apprehension was expressed as to the evils which might be anticipated from its re-establishment. The memorialists stated that, since transportation ceased, peace, order, and morality had increased in the colony; and they prayed that Government would not run the risk of endangering these advantages by recurring to the system. But suppose that the Government should adopt the suggestion made by some persons, and found a new colony, what securities would there be against a revival of all the evils which now exist? There were none. At present, however, even the site of a new colony was undetermined. That was the scheme proposed by the late Government; but up to the present time the reports furnished showed, that to find a site was attended with difficulty, and that the one proposed was unfitted for the purpose, from the want of water. It had been said that the Judges were generally hostile to the abolition of transportation; but the House should understand that the plan now proposed by the Government as a substitute for that system had never been brought under their notice; and, besides, the opinion of those learned individuals was not of that unqualified nature which it had been represented to be by those who had hitherto spoken on the subject. Many thought that transportation could not be abolished, though they thought there might be great amendment, which, as he contended, was the Government plan; and the hon. Baronet had himself admitted that the first stage of penal discipline should be passed in England, which, even on his view, rendered additional accommodation necessary. He was prepared to show that a proper system of imprisonment at home would be more economical and more beneficial than sending the prisoners to New South Wales; and when his hon. Friend (Mr. Hume) talked of recommitments in Scotland, he must remind him that under the system of transportation, such was the crime and repetition of crime in the colony of New South Wales, that a Colonial Judge described the population as one moving to and from the courts of justice. Mr. Miller, the governor of Glasgow House of Correction, had compared very carefully the expense of the two systems, in the Appendix to the Report on Scottish Prisons:—

> "It will be seen that the sums estimated for the transportation, maintenance, and superintendence of 3,980 convicts, being the supposed number for the year ending 31st March, 1847, calculated for the space of four years, the supposed period of detention, amount to no less than 590,243*l.* 3*s.* 4*d.*, exclusive of the expense of the convict establishment at Millbank, and a proportion of the expenses of Pentonville and Parkhurst, amounting, as stated in the Appendix, to 44,882*l.*, which might legitimately be added to the cost of transportation; while the estimated expense of imprisonment of a similar number in this country for the same period, on the separate system, including interest on the cost of erections and every other charge, would be only 302,480*l.*; showing a saving of 287,763*l.* 3*s.* 4*d.* in the course of four years, supposing the cost of building to be 100*l.* per cell; but 1,200 of the requisite number, viz., those for Scotland, would cost only 75*l.* per cell, being a further annual saving of 1,500*l.*, or for the four years 6,000*l.* It will also appear from these estimates that the expense of transportation in the case of 1,200 convicts, the probable number removed from Scotland during a period of four years, the average annual number being 300, is 177,963*l.* 11*s.* 2*d.*, while the cost of imprisonment, upon a fair calculation, would be only 85,200, showing a gross saving, so far as Scotland is concerned, of 92,763*l.* 11*s.* 2*d.*, or as much as 19*l.* 6*s.* 6*d.* per head per annum.

Such were the results of Mr. Miller's careful analysis of the cost of transportation in New South Wales and Van Diemen's Land—undoubtedly as fair an estimate as could be made out; and it substantially confirmed the estimate made by the Transportation Committee in 1837–8. The cost was less in Bermuda and at Gibraltar, where the convict maintained himself by his own labour. Therefore, even in a pecuniary point of view, as a matter of expenditure, the advantage was in favour of the penitentiary imprisonment at home. The great value of the system would, however, be (and this effect had already been, in some degree, manifested), that the results would enable them to say, as until recently they could not have said, that the criminal committed to our gaols would, at least, not leave them more demoralised than when he had entered. Hitherto our prison discipline and prisons had been a fruitful source of crime. The exiles sent out from Pentonville to Port Philip, had, when employed in that colony, given the most gratifying proofs of an amended character; they had been found energetic and active labourers; and applications had recently been repeatedly made to send out any number of exiles. The experience gained at Pentonville deserved the most careful consideration. The separate system, superintended as it was, was proved to be safe; and, judging from the recent account of exiles in the district of Port Philip, it had realized all the expectations of its authors. It was upon these convincing proofs of the good effect of the system already tried, that the Government had relied in recommending a further experiment. It was granted that there had existed an urgent necessity to make a great and radical change in the mode of conducting transportation. A new colony had been proposed to be established; but there was no reason for hoping that, in the new they could take any measure to avert the evils which had arisen in the old settlement. It had been considered hopeless to attempt to amend the existing plans. The report of a Committee of the House was in favour of an extension of the system pursued at Pentonville, and the combination of such a system with transportation. The first suggestion of the Committee had been adopted. The assignment system was abolished. The evils of assignment could no longer have been endured. Did the House recollect the frequency and severity of corporal punishment under this system, the power given to the magistrates to inflict it summarily, and for the slightest complaint against a convict? The accounts of the assignment system had all the characteristics of slavery: there was the compulsory labour; the constant infliction of the lash, and the absence of all moral improvement. Against that system there was one general complaint, except from those who benefited by convict labour. Many did derive benefit from that labour, it could not be denied; but those who now advocated the revival of that system in the colony, advocated a cruel and degrading system—one he did not believe the House would ever sanction. He hoped the House would feel the pressing difficulties that surrounded the question, and reflect that if they desired to act up to the principles they professed as Christians, it was impossible any longer to continue a system that was a reproach to the national character.

Debate adjourned.

STAGE CARRIAGES DUTIES BILL.

House in Committee on the Stage Carriages Duties Bill.

Colonel SIBTHORP begged to direct the attention of Her Majesty's Government to a subject which deeply affected the safety and comfort of Her Majesty's subjects. He had always understood that omnibusses and other public conveyances were prohibited from conveying more than a certain number of passengers; but he had seen, particularly on Sundays, such carriages filled inside, he might venture to say, although he never was in one, to almost suffocation—and the outside packed with individuals to an extent that was truly dangerous; and drawn, too, in many instances, by two miserable animals that were scarcely able to drag the carriage, even if it were empty. The drivers neither paid regard to the passengers nor to the poor animals, which were compelled to move onward by merciless lashing. He had no hesitation in saying that the language which he had heard these drivers and cads make use of to respectable persons was most disgusting, threatening and alarming, to an extent which ought not to be allowed. The gallant Colonel concluded by expressing a hope that Her Majesty's Government would endeavour to provide a remedy.

Mr. PARKER made a statement on the subject, but the purport did not reach the gallery. He was understood to say that the grievance would be provided for.

Mr. HENLEY, in referring to this statement, remarked that the hope held out last Session, that the country would be relieved from the burden of upholding a large staff of excisemen, was not likely to be realized, as there seemed to be a disposition to employ the disbanded men in discharging other duties.

Bill went through Committee.

House adjourned at half-past Twelve till Monday.

HOUSE OF LORDS,

Monday, June 7, 1847.

Minutes.] *Took the Oath prescribed by the Act of* 10 *Geo. IV. to be taken by Peers professing the Roman Catholic Religion*—Lord Stourton.

Sat first.—Lord Stourton, after the Death of his Father.

Public Bills.—1ª Quakers' and Jews' Marriages; Loan Discount.

2ª Representative Peers (Scotland); Debtor and Creditor.

Reported.—Poor Removal (England and Scotland).

3ª and passed:—Naval Prisons; Drainage of Lands.

Petitions Presented. From Guardians of the Nottingham Union, for the Repeal of the Game Laws.—From Rochdale, in favour of the Factories Bill.—From the President and other persons connected with the General Hospital, near Nottingham, for Repeal of the Legacy Duty on Charitable Gifts.

POOR REMOVAL (ENGLAND AND SCOTLAND) BILL.

On the Order of the Day being read for going into Committee on the Poor Removal (England and Scotland) Bill,

Lord CAMPBELL moved that the House do now resolve itself into Committee; and expressed his approval of the measure. The Removal Act of the 8th and 9th Victoria had worked most inefficiently, and the object of this Bill was to remedy the evils of the existing law. The Bill would also contain provisions for the removal of Irish or Scotch paupers who might be resident in this country. Their Lordships were well aware that a great number of Irish paupers had recently come over to this country; and he might state that he was acquainted with cases of paupers and their families having been sent to this country from Ireland by members of relief committees. There were at present no means of sending such persons back to their own country; but the present Bill would provide a remedy for that defect in the law.

Lord BROUGHAM seconded the Motion.

After a short conversation, in which the Earl of Ellenborough, the Marquess of Lansdowne, Earl Fitzwilliam, and Lord Campbell took part,

The Earl of WICKLOW said, he must oppose the Bill, which certainly was the most unconstitutional, unjust, and iniquitous, that had ever been brought before the House since he had been in Parliament. He was sure that the noble and learned Lord, who, contrary to the usual practice of the House, had seconded the Motion, had never read this Bill, or the Act which it was intended to amend. The noble and learned Lord merely supported the Bill because 236,000 Irish paupers had landed at Liverpool since the beginning of the year. Now he must repeat the statement which he made some time ago when a petition on this subject was presented, that the advantages which the town of Liverpool had derived, in consequence of the high price of food, far counterbalanced the expense to which it had been put in the shape of rates for the relief of the distressed Irish. He must insist, also, that the existing law was only inoperative because the magistrates of Liverpool and other places in England had neglected to perform their duty.

Lord BEAUMONT observed, that the entire of his noble Friend's complaint really amounted to nothing, as the measure now under consideration merely gave the poor-law guardians the authority which the constables now exercised with respect to the removal of paupers. The noble Lord (Lord Beaumont) defended the Bill on the ground that it was necessary to the country and humane to the Irish poor.

House in Committee.

Bill reported without Amendment.

THE EDUCATION QUESTION.

The Bishop of EXETER rose, pursuant to the notice he had given some time since, to ask certain questions of the noble Marquess the President of the Council. Under ordinary circumstances he should not have considered it any part of his duty to have made inquiries respecting communications which might have been made between the Dissenting bodies and her Majesty's Ministers; but the present was not an ordinary occasion, as it was notorious that in another place (which other place he was not permitted to mention) the matter had been alluded to by a Colleague of the noble Marquess. Under those circumstances he hoped he should not be deemed intrusive if he put the questions of which he had given notice. They were three in number. The first was, whether any communications had been held on the subject of the Minutes of Council of Education, dated the 25th of August, and the 21st of December, 1846, between the President of the Council and the noble Lord at the head of the Government, and any deputation of Wesleyans or other Dissenting bodies? Secondly, whether any, and, if any, what promises of alteration in, or addition to, same Minutes were made by Lord John Russell to the deputation? and, if any such communication had taken place, whether there was any record of the same?

The MARQUESS of LANSDOWNE, who was very indistinctly heard, was understood to say that the questions of the right rev. Prelate did not require any prefatory apology, as they were quite pertinent and justifiable, and such as it was extremely probable should have emanated from his Lordship's bench. In reply to the right rev. Prelate, he had to observe that soon after the Minutes on Education were laid on the Table of the House, communications were sought for between his noble Friend (Lord J. Russell) and himself, as President of the Council and Chairman of the Committee of Education, on various points connected with those Minutes, by persons connected with several bodies of Dissenters, especially on the part of the Wesleyan body. Great anxiety was expressed with respect to various points, as it might be considered to apply to them, and the fullest possible explanation was given. A record did exist of the explanation so given, which record would ultimately be laid on the Table of that House. A report was also made by the deputation of the Wesleyan body to those who sent them, which was also sufficiently accurate. In reply to the second question, he begged to say, that no alteration had been made in consequence of that communication in the spirit of the Minutes of Council—either those recently laid on the Table, or those presented and adopted on a previous occasion. The only result of that request for a communication was, in fact, an explanation of the Minutes, and of the principles on which they had proceeded; and by the greater portion of the Dissenting bodies interested, that explanation had been deemed satisfactory. Great apprehensions had been entertained by some of the Dissenting bodies as to the effect of the new Minutes on their system of education—apprehensions, for which great allowances were to be made. They feared, in consequence of the measures that were about to be taken to elevate the position of the schoolmasters, making it more respectable than heretofore, that the office of schoolmaster would be brought too much into direct relation with the Church of England—that the profession of the schoolmaster would be made, as it were, ancillary to the Church. The answer given to this objection was, that the intention was to consider the profession of the schoolmaster as one entirely separate and distinct—that where the inspectors happened to be clergymen also, it was intended that they should not exercise any ecclesiastical function so long as they continued inspectors; and, although there was not the same reason to make such a rule in the case of the schoolmasters themselves, they not being ecclesiastics, yet they were told it was not intended that they should exercise the profession of schoolmasters at the same time with any ecclesiastical employment, should any ecclesiastics hereafter fill the office of schoolmaster. This he conceived to be the substance of the objections chiefly set forward by the Wesleyans, and of the explanation given by himself and his noble Friend.

The BISHOP of EXETER rose to express a hope that the noble Marquess would have no objection to lay on the Table of the House the papers to which he had just referred. It was most desirable that the House should take into its serious consideration the expediency of expressing an opinion upon this most important subject. He understood the arrangement to be, that no person in holy orders, or exercising ecclesiastical functions, should be appointed to the office of schoolmaster; that, in fact, all persons of the Church of England, exercising ecclesiastical functions, were to be excluded from being schoolmasters. He had not heard anything about the exclusion of Dissenting ministers. He wished to give the noble Marquess an opportunity of saying whether he intended to exclude every minister of religion from the office of schoolmaster; and he thought that an opportunity ought to be afforded their Lordships to consider the whole question.

The MARQUESS of LANSDOWNE was glad that the right rev. Prelate had put the question which the House had just heard; and, in reply, he had merely to state that the rule which excluded persons exercising ecclesiastical functions was intended to apply equally to all denominations—to other religious communities as well as to the Established Church; that had been already stated by Government, and understood by Parliament.

The BISHOP of EXETER wished to know if that statement applied equally to the inspectors and to the schoolmasters?

The MARQUESS of LANSDOWNE replied that it did.

The BISHOP of EXETER: Does it also apply to religious teachers of all denominations?

The MARQUESS of LANSDOWNE: To all, and to both classes of school officers—teachers and inspectors.

LORD STANLEY inquired whether, as

the noble President of the Council had said that no person discharging ecclesiastical functions could be a schoolmaster, he meant that a schoolmaster should be disqualified who might have obtained deacon's orders? If persons who had obtained the lowest distinctions in the Church, were to be disqualified from the office of schoolmasters, he considered the arrangement would be an exceedingly injudicious one, for nothing could so much tend to raise the character of the schoolmaster as to hold out to him the expectation that he should he permitted in addition to hold the inferior degree of a churchmen. He must say, with great deference to the noble Marquess, that one of the great wants of the Church of England at the present moment was the want of a class of inferior clergy, who should be engaged in its schools. He did not mean to say that when they were schoolmasters they should be performing the duty of clergymen of the Church of England; but that those holding inferior degrees in the Church should be admitted to be schoolmasters. He admitted the right of any body of Dissenters to object to regulations which they might think likely to injure themselves; but he disputed their right to object merely because those regulations would increase the efficiency of the Church of England. An objection on such a ground ought neither to be made by any body of Dissenters, nor allowed by Parliament. He concluded by asking the noble Marquess whether the fact of any applicant for the situation of schoolmaster being in holy orders would be considered a disqualification?

The Marquess of LANSDOWNE thought the objections made by the Dissenting bodies were misunderstood. The principal one was, that public money, levied upon the whole community, and to which, therefore, Dissenters contributed, ought not to be taken from the purposes for which it was intended when granted for education, and made instrumental to the benefit of the Church, by supplying a new order of clergy. That was the main ground of their objection, and he was bound to say that it was a feasible objection, as the establishment of such an order of clergy out of the profession of schoolmaster would be inconsistent with the objects of the grant. Those objects were certainly to improve the condition of the schoolmaster, but not that persons should take upon them the profession of schoolmasters with the view of entering the Church by that means.

Lord STANLEY thought the noble Marquess had not at all answered the question; and he would repeat it. Whereas many of the duties of schoolmaster, as defined by the Minutes of the Council, were duties of a religious nature, the question was, whether the fact of a person being in deacon's orders would be considered a disqualification for the office of schoolmaster?

The Marquess of LANSDOWNE answered in the affirmative; though he was not prepared to say cases might not arise in which being in holy orders might not be considered an objection—as, for instance, when a person had laid aside all intention of continuing in the Church, and was desirous of devoting himself to the office of a schoolmaster. But if he intended to adhere to the Church as his profession, he was ineligible for that of a schoolmaster.

The Bishop of EXETER wished to avoid a discussion on that occasion. He thought it would be most inconvenient, and indeed unfair, to the noble Marquess, as neither he nor their Lordships were aware that any discussion would be raised; but the noble Marquess had stated that it had always been understood and always been acted on that the schoolmaster should employ himself in the duties of his school and in nothing else; and he wished to give the noble Marquess an opportunity of explaining himself, or of setting him (the Bishop of Exeter) right if there was any misunderstanding. Now, he held in his hand the Minutes of the Council for the year 1839-40, at which time the noble Marquess filled the office of President, that office which he now so ably filled, and he found the following at Question 18:—"What income shall be derived from other sources, if they devote their whole time to the duty of their office? and if not, state what other occupation they have." If he (the Bishop of Exeter) understood anything of the English language, he thought that implied that schoolmasters might have other occupations than the duties of their schools; and that he thought rather inconsistent with what the noble Marquess now said.

The Marquess of LANSDOWNE admitted that it had been the practice to have other occupation than that of schoolmasters.

The Bishop of EXETER: Did the noble Marquess admit that it had been the practice heretofore for schoolmasters to have other occupations, so long as they did not neglect their school duties?

The MARQUESS of LANSDOWNE was understood to say that in many cases it was impossible to obtain schoolmasters without allowing them some other source of income; but that the amount and nature of their other occupation was undoubtedly a subject for the Council to inquire into before it sanctioned any grants of money to the schools so circumstanced.

The BISHOP of EXETER: Then the noble Marquess did not object to other occupation provided it did not distract the attention of the schoolmaster from his duties. He trusted the noble Marquess and their Lordships would remember this declaration when the subject hereafter came under discussion.

The MARQUESS of LANSDOWNE made no such declaration. What he meant to say was, that in many poor schools it was necessary to allow the schoolmaster to pursue some occasional occupation, such as might not be entirely disconnected with his duty as master of the school. The right rev. Prelate might point out some other form of question by which it might be obtained from an applicant what was the nature of his former duties; but he doubted whether he could show that some such questions were not necessary to determine as to the fitness of the applicant.

The BISHOP of EXETER replied that if the noble Marquess had at first expressed himself as clearly as he had now done, there would have been no misunderstanding.

Subject at an end.

REPRESENTATIVE PEERS (SCOTLAND) BILL.

The EARL of EGLINTOUN moved the second reading of the Bill to remedy abuses in the mode of electing the Representative Peers of Scotland. After the admissions which had been made on all sides of the House of the necessity of some alteration in the present system, he anticipated no opposition to the Bill. In England, a Peer had only to prove his descent from his predecessor to obtain his title and privileges; in Ireland it was equally necessary to prove that his predecessors had exercised the functions of a Peer; but the Peers of Scotland were alone in the enviable position of having nothing to prove; but this laid the matter open to every species of misrepresentation, fraud, and even forgery. The only thing at present which gave the right to vote was being on a roll, which was made out at the time of the Union, and laid before their Lordships' House. That roll was, no doubt, right and correct at the time; but after a lapse of 140 years many rights had become extinct or dormant, and many new claims created. The Bill now before the House proposed to purify this roll, and remove from it all those who had not exercised their rights during the present century. It did not in any way interfere with the rights of any one who might claim hereafter or prove their right to any of these Peerages. In Ireland the right was considered perfect if it was not challenged within a year after the death of the last holder; but in Scotland there was no limit whatever. It was proposed in this Bill that in the event of any Peer protesting against any vote, that that vote should be sent up to the House for adjudication, and retained or struck off the list accordingly. He would not detain the House by going through the details of the Bill, but had to say, in reply to the objection that had been raised against it, that the proper mode of procedure was not by legal enactment, but by a resolution of the House—that that point had been most carefully considered by the Committee to whom the whole question had been referred—and that the present Bill was the consequence. In fact, in 1832 an attempt had been made to stop the abuses complained of by a resolution of the House, which had turned out to be totally ineffective; and he therefore trusted the Bill would at once be read a second time.

LORD CAMPBELL was willing to admit the necessity of some measure to meet the evils of which the noble Earl complained. He was fully aware that the greatest abuses existed in respect to this matter. He had, however, considerable doubts whether the course proposed was, under all the circumstances of the case, the proper one. He was disposed to think that it would be better to proceed by a resolution of the House, directed to the Lord Clerk Registrar. If it were said that this course had been before tried without much success, he would remind their Lordships that the reason why their former resolutions had not effected their object was, that they had never been properly framed. Having expressed these doubts, he should not, however, oppose the second reading of the Bill.

LORD REDESDALE said, that an enactment was indispensable. When an election was to take place, the Peers were summoned by the authority of an Act of Parliament under which they claimed to vote; and resolutions only could not give the Lord Clerk Registrar the power to refuse a vote so tendered.

The **Earl** of **ROSEBERY** supported the Bill, and complained that the Resolutions of 1832, to which a reference had been made, were brought forward as a legislative enactment, and that he had been compelled by the opposition he met with in introducing them to modify them into resolutions.

The **Duke** of **RICHMOND** entirely agreed with the noble Earl who had just sat down. It would hardly be believed that in Scotland when a name was called out, if two persons answered to the name, the returning officer took the vote of both. Under these circumstances, he for one felt indebted to those noble Lords who had directed the attention of Parliament to the subject, and should give the measure his cordial support.

Bill read 2^a.

House adjourned.

HOUSE OF COMMONS,

Monday, June 7, 1847.

Minutes.] Public Bills.—2° Warwick County Prison; Baths and Washhouses; Destitute Persons (Ireland, No. 2).

Reported.—Highway Rates; Newfoundland Government; Stage Carriages, &c. Duties; Soap Allowances; Out Pensioners (Chelsea and Greenwich).

3° and passed:—Turnpike Acts Continuance; Burgh Police (Scotland); Juvenile Offenders; Trust Money Investment (Ireland).

Petitions Presented. By Mr. Home Drummond, from Scotland, against the Marriage (Scotland) Bill.—By Mr. P. Howard, from Catholic Clergymen and Laymen of Ince Blundell, for Alteration of the Proposed Plan of Education.—By Sir F. Thesiger, from Richard Sargant, of No. 10, Norfolk-street, Strand, London, for Production of Papers relating to the London, Staines, Ascot, and Reading Junction Railway.—By Mr. Labouchere, from John McManus, of Ballaghdug (Cornwall), for Inquiry.—By Mr. Hawes, from Medical Practitioners of London, against the Medical Registration and Medical Law Amendment Bill; and by Mr. Clive, and Mr. Labouchere, from several places, in favour of the same.—By Mr. Acland, from Yeovil, and New Sarum, for Repeal or Alteration of the Poor Removal Act.—By Mr. H. Drummond, and Mr. Bannerman, from Aberdeen, against the Registering Births, &c. (Scotland) Bill, and by Mr. Bannerman, from Provost and Magistrates of Aberdeen, in favour of the same.

NORFOLK ISLAND.

Viscount MAHON said, that it appeared from the papers before the House on secondary punishments and transportation, that Norfolk Island was to be abandoned as a penal settlement. He wished to learn from the Under Secretary for the Colonies what it was intended, in that case, to do with Norfolk Island? Was it still to be retained as a British possession, and, if so, in what manner?

Mr. HAWES could only inform the noble Lord that when the present Lieutenant Governor of Van Diemen's Land left this country, he took with him a discretionary power to break up the establishment at Norfolk Island. Of course no tidings of what had been done had yet been received from the Lieutenant Governor, so that it was out of his power to say more than that the matter was left to the discretion of the Lieutenant Governor.

HOLYHEAD HARBOUR.

Mr. WARD, pursuant to notice, rose to propose the Members of the Committee on the Holyhead Harbour Bill.

On the question that Mr. Owen Stanley be one of the Members,

Mr. WILLIAMS thought that some reason should be given for the appointment of this Committee before the report of the Commission which had lately examined the subject was produced. Sir John Rennie, and other engineers of equal eminence, would prove that the cost of this harbour would be at least 2,000,000*l.*, and that it would, after all, be inefficient as a harbour of refuge. He hoped the House would not sanction any further proceeding on this Bill, without having the report of the Commission before them. It would be improper to take any step in a matter involving such a vast expenditure of public money without having full information. He most decidedly objected to the appointment of the Committee before they had the report of the Commission before them, and with that view he should move as an Amendment that the debate be adjourned to this day fortnight.

Mr. WARD said, the object of appointing the Committee was, that they should investigate most closely all the facts of the case which his hon. Friend had assumed. He did not wish the House to proceed before the report of the Commission was before them. It would be presented on Thursday next, and the House would have ample time to consider it. He had deferred the appointment of the Committee to the last minute, and the names he proposed were those of members of all parties.

Mr. W. R. COLLETT thought the observations of the hon. Member for Coventry quite unfounded. He believed it was sufficiently established that Holyhead harbour would make one of the best stations for a harbour of refuge on the coast of Great Britain; and so far from the amount required being so enormous as was represented, the contractor had already engaged to complete the harbour for a sum considerably less than the engineer's estimate.

Mr. BANKES expressed doubts as to whether Holyhead harbour was the best station that could be found for a harbour of refuge for the shipping of Liverpool and other ports, though it was excellently adapted for a packet station. For the former purpose it was possible that a better harbour might be found on the coast of Carnarvonshire. He thought, therefore, the opposition of the hon. Member a very reasonable one, and that the Committee should not be nominated until the report and evidence taken by the Commission were before the House.

Mr. WARD said, the only question was, whether the arrangement made by the preceding Government should be carried out, or whether there were grounds for the House to pause before fulfilling it? If Holyhead did not possess the advantages supposed to belong to it, Government had no wish to press the matter.

Sir ROBERT PEEL observed, that there never was a question more fully considered than this, whether or not Holyhead was entitled to a preference over any neighbouring port in facilitating the intercourse between this country and Ireland. The late Administration had sent two very eminent men, one connected with civil engineering, the other with the Admiralty, for the purpose of making a report on that question. They inquired into the subject most minutely, and made a report decidedly in favour of Holyhead. There was some little imputation, resting upon the slightest grounds, as to their partiality. Two others were therefore appointed, who made a report to the same effect, decidedly in favour of Holyhead; and he was not sure whether there was not a third inquiry. Here then were three inquiries within the last few years; at least he was quite certain that there were two, which both resulted in favour of that site. He was bound to say that he thought the reasons for selecting Holyhead were quite decisive.

Mr. O. GORE said, the report of the Commissioners first appointed had been very much questioned, as they were supposed to have neglected the duty of personally examining the site. Those interested, therefore, applied for a further investigation, which had lately taken place. He thought it rather premature to nominate a Committee for the purpose of going into the subject previously to the report of the Commission being laid on the Table, particularly when it involved such an enormous outlay as would be required to form a harbour at Holyhead. He had no hesitation in saying that the sum already expended on it was not much more than half of what would be needed. It was questionable whether they could get anchorage in the bay of Holyhead free from impediment for six yards together.

Mr. T. DUNCOMBE said, the question was not whether Holyhead harbour was the best site for a harbour of refuge or not, but whether the House was in a condition to appoint this Committee or not? His hon. Friend asked for time to enable the House to read the evidence before the Commission. If it were necessary to appoint a Committee, he objected to the manner in which it was proposed to be done. He thought the whole proceeding quite irregular, and should certainly insist that no Member be appointed on the Committee who could not make that declaration which was exacted in the case of Railway Bills—that he had no personal interest in the matter. He was told that there were Members to be named on the Committee who had a direct interest in the report.

Mr. WARD had applied to the Speaker for directions how to nominate the Committee. There had been two or three similar Bills already before the House, and the precedents had been strictly followed in this case. He had consulted the Speaker as to the local Members to be put on the Committee, and particularly as to the only point on which anything like a complaint was made, that one might be said to have a personal interest in the decision of the question. The right hon. Gentleman's answer was, "As he is the only representative of Anglesea we have in the House, it would not be proper, according to the regulations followed in such cases, to exclude him."

Mr. SPEAKER wished to state, that the appointment of the Committee was strictly in accordance with former precedents. Whenever a Bill had been before the House, which was partly of a public and partly of a private nature, the rule always had been that the Committee appointed to report on it should be composed partly of Members in different public departments, partly of Members who represented local interests, and that the remaining Members should be chosen by the Committee of Selection under the ordinary rules followed in the appointment of Committees.

Viscount CLIVE thought the House should have the evidence taken by the Commission before them, in order to form a correct opinion. The question not only regarded a packet station, but a large harbour of refuge; and they must consider whether, when they had spent the money, they would not merely have enclosed a space full of rocks, liable to be shut up, and open to many other objections. He thought, therefore, the hon. Member for Coventry had very fair grounds for asking to see the evidence before he was called upon to say who should be the judges to decide the question.

Mr. W. O. STANLEY said, he had no wish whatever himself to serve on the Committee; but he wished to remind hon. Members, that when the Commission was appointed, it was upon a declaration from the Secretary of the Admiralty that it was to be a final settlement of the question. The report of the first Commission was demurred to; the present Government yielded, and granted the last Commission. The House, therefore, was not to consider whether the Commission had done right in adopting a particular plan. If the whole question were to be re-opened, let it not be done by a sidewind.

Viscount SANDON said, a distinct engagement had been given by Government that no further steps should be taken with respect to this Bill until the report of the Commission was in the hands of Members. At the same time he should offer no opposition to the appointment of the Committee, on the understanding that they were not to proceed until the House had the reports before them, and time were allowed for examining the evidence.

Motion agreed to.

Committee nominated.

SECONDARY PUNISHMENTS.

Sir FITZROY KELLY said, that he understood it to be the intention of the Government to substitute for transportation some system of imprisonment and compulsory labour either here or abroad, and exile. Now sentence of transportation might be passed upon offenders for seven, ten, fourteen, fifteen, twenty, or twenty-one years, or for life; and he wished to know if the Government intended to substitute some fixed and specific period of imprisonment, compulsory labour, and exile, having reference to the graduated scale of sentences of transportation, or whether the period of punishment was to have reference to the circumstances of each case?

Sir GEORGE GREY, as was understood, said he had before stated, that it was the intention of the Government that the minimum and maximum of the term should have respect to the term of transportation; but that it should be in the power of the convict, by his own good conduct, to shorten the term of his punishment.

PORTUGAL—COMMAND OF THE FLEET.

Lord G. BENTINCK wished to put a question to the Government with respect to the fleet now engaged on the shores of Portugal. It had been the practice in the military and naval services that the superior officer present should take the command of the whole fleet in joint operations of Allied Powers. Now he apprehended that in the case of joint operations in Portugal, the Lord High Admiral of France would be the superior officer, and he wished to know whether in that case the British and Spanish fleet would be under the command of the Prince de Joinville?

Lord JOHN RUSSELL said, there had been no arrangement, that he was aware of, to put the naval forces of the different nations under the command of a single officer. On the contrary, orders had been given to Sir William Parker, that he was not to take the command of the French or Spanish fleet, although, no doubt, they would pay every respect to any orders he might give. With regard to the Prince de Joinville, he had heard nothing to induce him to believe that the Prince was about to proceed to the coast of Portugal, and therefore no question arose about his assuming the command.

ELECTIONS IN IRELAND.

Mr. YOUNG, alluding to the inconvenience arising out of the present mode of holding elections in Ireland, and particularly the duration of the polling, inquired if the Government were inclined to take the subject into consideration.

Mr. LABOUCHERE: The subject had been deliberated upon by the Government, and he confessed that as regarded counties, there would be considerable difficulty in shortening the duration to one day by the appointment of a greater number of polling places, without at the same time making important alterations in the whole of the election system of Ireland. He regretted it had not been in the power of the Government, owing to the pressure of Irish business this Session, to introduce any measure to the House involving the whole of the electoral system of Ireland. With respect to the boroughs of Ireland, however, the case was somewhat different, and he entertained hopes that it might be possible to introduce a Bill for limiting the duration of elections to one day. He hoped to introduce a measure which should receive the assent of both sides of the House.

COLONISATION—MR. GODLEY'S PLAN.

The **Earl of LINCOLN** wished to trespass upon the House for a short time, upon a personal matter arising out of the Motion he had made on Tuesday night last. The noble Lord had intimated that the Government had reason to expect that he (the Earl of Lincoln) would bring before the House the subject of colonisation in the form proposed by Mr. Godley. The statement was then made in a form which did not require any immediate reply from him; but since then a statement had been made elsewhere distinctly and explicitly, that the deputation had stated to the Government that they had been formally authorized to inform them, that in the event of their (the Government) declining to accede to the bringing forward of that plan, he would himself bring it forward. If by that assertion it had been intended to imply that he had brought forward his Motion in a hostile spirit to the Government, or had framed it so as to deceive them, he begged to give that assertion his most explicit denial. From the first, he had stated to Mr. Godley and the other gentlemen forming that deputation, that his object was not to bring his plan before the Government, but one of an entirely different nature; and he then stated the form in which he intended to bring forward his Motion, and he had never altered the form. There were witnesses to what he had said. [" Hear!"] The right hon. Member for Coventry was good enough to intimate by that cheer that he recollected the circumstance. So much as regarded himself. But there was another person who was more interested in the matter, a gentleman who was not a Member of that House, and on that very account the House would be the more disposed to render him indulgence. He alluded to Mr. Godley himself; for the charge implied falsehood on the part of that gentleman and the others who had waited upon the noble Lord. The noble Earl read a part of a letter which he had received that morning from Mr. Godley, in which he explicitly denied the representation that had been made, that the deputation had asserted that they were formally authorized by Lord Lincoln to state that he would bring forward Mr. Godley's plan, and stating that what he (Mr. Godley) really said was, that Lord Lincoln intended to bring the subject of colonisation before Parliament, and that he (Mr. Godley) had written a letter to the *Spectator*, in which he said that he believed Lord Lincoln would not oppose his plan. He regretted that Mr. Godley, a public-spirited gentleman, who had devoted his time and attention in the most liberal and patriotic manner to bringing this subject before the Government, with no ill-feeling towards that Government, but with a desire to serve his country, should have been subjected to such discourteous flippancy as had been evinced towards him a few nights ago. And this he said without reference to the merits or demerits of Mr. Godley's plan. Unfortunately his noble Friend the Member for Devonshire was absent from town; but the hon. Member for Kerry was in his place, and, in justice to Mr. Godley, would no doubt confirm his statement.

Mr. MORGAN J. O'CONNELL said, the fact was, that two subjects were talked of when the deputation went to the Colonial Office—one being Mr. Godley's plan, and the other a Commission of Inquiry on the subject of colonisation; and the deputation had said, that if the Government did not feel themselves authorized to institute an inquiry of that kind, the noble Lord opposite would bring the matter before the House—that was, the subject of colonisation, and not Mr. Godley's plan.

Lord J. RUSSELL said, that what had been stated by the hon. Member for Kerry was in perfect conformity with his own recollection. There were two questions spoken of at that meeting; one was Mr. Godley's plan—and Mr. Godley deserved great praise for the talent and industry with which he had prepared that plan—and the other question was a Commission to inquire into the subject of colonisation. It did not appear that Mr. Godley's plan had been urged as one that ought to be adopted by the Government; but it had been urged that a Commission ought to be appointed by the Government. When he (Lord J. Russell) informed the deputation that it was not his intention to appoint a Commission, he had understood from Mr. Godley that then the subject would be brought forward by the noble Lord in the House of Commons. He (Lord John Russell) had been left in doubt whether it was Mr. Godley's plan or the appointment of a Commission that was meant; but he never had had a suspicion that the noble Lord was about to bring forward Mr. Godley's plan. The noble Lord gave his notice, and he (Lord John Russell) understood from that that the Motion was to be a general one, such as the noble Lord had afterwards made. He (Lord John Russell) did not know that he had ever said anything different to what he was now stating. He had never understood that the noble Lord was to bring forward Mr. Godley's plan; but his impression had been, that if the Government did not appoint a Commission, then the noble Lord was to bring forward a Motion on the subject, without pledging himself to any specific plan.

THE LATE SIR EARDLEY WILMOT.

On the Order of the Day for going into Committee on the Registering Births (Scotland) Bill being moved by the LORD ADVOCATE,

MR. SPOONER appealed to the learned Lord for precedence; and consent having been given, he returned thanks for the courtesy, and proceeded to say that the subject he was about to bring under the notice of the House had excited deep interest and sympathy. He should make his statement as short as was consistent with clearness, and should avoid making any charge, attack, or accusation upon any person. His only object was, to clear the character of a gentleman who for many years had represented the Northern Division of Warwickshire with great credit to himself and benefit to the public service. He had been also for many years chairman of the quarter-sessions in Warwickshire, and had enjoyed the full confidence, support, and approbation of the magistrates who had acted with him. Although that person was now beyond the reach of human applause or sympathy, there yet remained a mourning widow and an afflicted family, for whose sake he (Mr. Spooner) asked the attention of the House. He trusted to be able to show, by a simple statement of facts, that a charge which had been made was unfounded. The mystery of the despatch in which that charge had been made, had given rise to many surmises which were wholly without foundation. To his dying hour he (the late Sir Eardley Wilmot) had never known the particulars of the charge made against him, or who were the persons who, behind his back, had reported that which he (Mr. Spooner) had no hesitation in saying would prove to be a most unfounded calumny. But the charge had at length reached the ears of the family of the late lamented Sir Eardley Wilmot. His family were at last put in possession of it; and as a knowledge of it was essential to the proper understanding of this most deplorable case, he (Mr. Spooner) would read it to the House. It was that of "living in terms of scarcely concealed concubinage with some of the females who were received as guests at the Government house." A charge more unfounded—a charge baser or more destitute of the slightest colour of truth—was never alleged against any man. He would briefly state the facts of the case. Three gentlemen came to this country from Van Diemen's Land, and shortly after their arrival had communication with the Colonial Office. Two of them laid no restriction on the publication of their names. The third did impose such a restriction, and to him he was not at liberty further to allude. Indeed, he might as well state, that he (Mr. Spooner) had not permission to mention the names of the other two, any more than that of the gentleman in question. He was not prepared to say that the names were wrongly withheld; for although the Government were in possession of them, they were given, so to speak, *incog.*; and, for himself, had he permission, he would not mention the names, for by so doing he would justly lay himself open to the imputation of having made unfounded charges without affording opportunity for refuting them. Under these circumstances, he would entirely refrain from giving names at all. Suffice it to say, that, after their charge had been made, the late Secretary for the Colonies (Mr. Gladstone) sent a public despatch to Sir Eardley Wilmot, in which no allusion whatsoever was made to the charge affecting his (Sir Eardley Wilmot's) private character. With that despatch he (Mr. Spooner) had nothing whatsoever to do. If he were to utter a single word of complaint against the decision at which the authorities of the Colonial Office had arrived with respect to Sir Eardley Wilmot's removal from the administration of the affairs of Van Diemen's Land, he would be acting in direct opposition to the wishes of that lamented gentleman's family. It was their feeling, that with the public conduct of Sir Eardley Wilmot they were not at all concerned. They felt that they would not be at all justified in arraigning the decision of the Colonial Office, so far as that decision was grounded upon public grounds; and in this feeling he entirely concurred. The Colonial Department had high and important duties to perform. On their shoulders rested a vast responsibility; and he was quite willing to admit that nothing but an occurrence of a very singular and unparaleled description could justify any interference with the discretion they might think fit to exercise with respect to appointments and removals. The private despatch, therefore, and not the public one, was that to which he was desirous of directing the attention of the House. Most of the hon. Gentlemen present were familiar with the correspondence between the Secretary of State and Sir Eardley Wilmot, relative to the recall of the latter; but as some of them were not, it was necessary, for the clear and general comprehension of the case, that he should read some extracts from it. The first document to which he would take leave to call their attention, was the secret despatch from Mr. Secretary Gladstone to Sir E. Wilmot, which arrived concomitantly with the public despatch, and which, like it, was dated 30th April, 1846. It was to the following effect:—

"Downing Street, April 30, 1846.

"Sir—I have now to discharge a duty still more painful and delicate than that of addressing you in a public despatch, to communicate to you your recall from the administration of affairs in Van Diemen's Land. Adverting to the fact that this recall rests upon the allegation of a failure on your part with respect to special and peculiar duties only, which attach to the care of a penal colony, but not to that of colonies in general, you may feel some surprise at the circumstance that I have made no allusion to the possibility of your employment during the remainder of the ordinary term of six years. I should have felt authorized to express a willingness to consider of any favourable opportunity which might offer itself for such employment, had it not been for the circumstance that certain rumours have reached me from a variety of quarters relating to your private life, to the nature of which it is perhaps unnecessary that I should at present particularly allude. Had these rumours been slight, and without presumptions of credibility, I might warrantably and gladly have passed them by. Had they, on the other hand, taken the form of charges or of informations supported by the names of the parties tendering it, it would have been my absolute duty, independently of any other reason for interference with your tenure of office, to refer the matter to you, and at once to call upon you for your exculpation. But they occupy an intermediate position. Presuming that I have been justified in refraining from bringing them under your notice up to the present time, I feel that it would be impossible to recommend your resumption of active duties under the Crown in any other colony until they are satisfactorily disposed of. To found proceedings upon them against a person holding office, appeared to me a very questionable matter; but I think it quite unquestionable that they must be taken into view when reappointment is the matter at issue. I know not what your views and wishes on that subject may be. I should not have entered wantonly and needlessly on such a topic as that to which I now refer. My reason for doing so, without waiting for any request from you for re-employment, is, that I think that some favourable intimation on that head would have been your due had no obstacle intervened; and I have therefore found myself bound to account for the omission from my despatch of this day of any such intimation.—I have, &c.

(Signed) "W. E. Gladstone."

The House would observe, that the charges alluded to in the above communication were simply alluded to. They were not specified, nor was any information given as to the sources from which they originated. They were vaguely hinted at as "certain rumours which had reached the Secretary of State from a variety of quarters." There was nothing distinct, definite, or specific—nothing tangible to guide or assist the late Governor of Van Diemen's Land in undertaking the task of vindicating his character. There was no index pointing specifically to the charge, and to the quarter from which it emanated. He was left to deal as best he might with charges of whose very import he was ignorant, as well as of the quarters from which they emanated; and he was given to understand that on his success in satisfactorily disposing of such accusations, depended his chance of being recommended for the resumption of active duties under the Crown. He (Mr. Spooner) was well aware that Mr. Gladstone was also in a painful and embarrassing position. He was well aware that the information on which that Gentleman acted came from quarters which carried such authority with them that he could not help believing it and acting on it. This he did not hesitate to admit; but Mr. Gladstone had been called to act upon that information under a shackle which ought not to have been imposed. The blame and the odium were to be attributed to the persons who assailed the character of an absent man, without being prepared at once to give up all their authorities—to those who put the Government in a position which compelled them to act, and yet withheld that information which should serve as a justification of their conduct. However, the despatch being a secret one, and known only to Sir Eardley Wilmot himself, it was competent for that gentleman to have said nothing about it until he returned to England, and then to have made such a defence of his character to the Home Government as would have freed him from all imputations, and reinstated him in his position in society. In taking a different course—that of referring the whole question to the consideration of his Executive Council—he was warranted by the precedent of Sir George Arthur, who, when similar charges were preferred against him, adopted that very proceeding. But even if a precedent were wanting, the course was the very one of all others which an honest man convinced of his own innocence was bound to take. Sir Eardley felt that; and accordingly he assembled his Council, and laid before them the secret despatch, and left the whole matter in their hands, to be decided upon by them in the manner they might think most consonant with truth and justice. Before he adopted this step, however, and during the time the matter was under discussion by the Home Government, a paragraph appeared in the *Naval and Military Gazette*, in which was stated the substance of the charges against Sir E. Wilmot. That paragraph fell under the notice of Sir John L. Pedder, Chief Justice of the colony, and other distinguished functionaries, who felt so indignant at the perusal of it, that, unasked, and of their own unsolicited accord, they wrote the following letter to the late Governor:—

"Newlands, 21st March, 1846.

"Dear Sir—I beg to transmit to your Excellency a copy of a letter to the editor of the *Naval and Military Gazette*, being the contradiction which the gentlemen whose signatures it bears have thought themselves called upon to give to the cruel slander therein referred to. Having taken this step without your Excellency's knowledge, we cannot but earnestly hope that you will not see any reason to disapprove of it.—I have, &c.

(Signed) "J. L. Pedder."

"Hobart Town, Van Diemen's Land,
March 19, 1846.

"Sir—In your *Gazette*, No. 666, of the 11th October, 1845, p. 652, 3rd column, under the head 'Australia,' occurs the following passage, purporting to be written by your correspondent at Melbourne:—'Van Diemen's Land is in a bad state. The men in the bush are almost their own masters, and crimes the most horrible are of daily occurrence. All the females have left the bush, and have taken refuge in the towns, and even there are subject to every kind of insult. Sir Eardley sets a bad example himself. No people of any standing will now enter Government House, except on business. No ladies can.' We do not feel ourselves called upon to take any notice of so much of this statement as relates to the convicts in this colony; but we deem it to be a duty which we owe to Sir Eardley Wilmot, to ourselves, and indeed to the society in this place, to declare, in the most distinct terms, that the latter part of the statement in question is totally (and here most notoriously) false. Ever since Sir Eardley Wilmot assumed the Government, down to the present day, we, and the families of such of us as are married men, the families of the other Government officers, and of the principal inhabitants of the colony, have had the honour (for so we account it) of being frequent visitors at Government House. We have only to add, that we beg your insertion of this contradiction of your correspondent's statement in the *Naval and Military Gazette* at the earliest opportunity.—We have, &c.

(Signed) "John Lewis Pedder, Chief Justice.
J. E. Bicheno, Colonial Secretary.
P. Fraser, Colonial Treasurer.
F. Burgess, Chief Police Magistrate.
T. Horne, Attorney General.
T. W. Boyes, Colonial Auditor.
Joseph Hone, Chairman of Sessions.
Robert Power, Surveyor General.
Alban C. Stoner, Crown Solicitor.
V. Fleming, Solicitor General.
W. Proctor, Comptroller Customs."

After that letter, what became of the statement that the rumours affecting the late Governor's private character were matters of notoriety in the colony? That document exposed the utter fallacy of the assertion, and proved that it was in all respects egregiously untrue. But that was not the strongest of the links which went to form the chain of Sir E. Wilmot's justification. The next paper he would trouble the House with was the late Governor's reply to Mr. Gladstone's letter, dated 5th October, 1846:—

"Hobart Town, Oct. 5, 1846.

"Sir—I have this day received, by the ship *Java*, the original despatch of my recall, dated April 30th, No. 104, accompanied by your letter of the same date marked 'Secret.' If anything could lessen or remove the pain with which I received, on the 24th September last, the duplicate despatch of the 30th April, it is your letter marked 'Secret;' because, being wholly guiltless of any impropriety or irregularity in my 'private life,' and believing that the 'rumours' to which you allude, invented by my opponents, and treated with contempt by me and the whole of this colony, are what have lowered me in your opinion, and induced you to pause in offering me re-employment under the Crown, I am confident you will do me justice, and rescue me from the double loss of character and of office, thus occasioned by the grossest falsehoods that ever oppressed an English gentleman. It is impossible for me to grapple with charges, of the nature and extent of which I am ignorant. I can do no more at present, in answer to your letter, than give a general denial to general imputations. Were the accusations specific, I could meet them at once, and show their utter falsehood. But, placed in the un-English position of a man charged with unknown acts of impropriety, injurious to his character and destructive of his interests, without any knowledge as to who are his accusers, or as to what are the accusations, I most earnestly and solemnly adjure you to specify immediately the dates, places, persons, and circumstances to which the 'rumours' against my private character apply, that I may be placed in the same position before the public as is the meanest criminal when standing before a jury of his country. From my first landing in this country, the system of detraction and calumny which assailed the characters of my predecessors has been pursued against me. With them, it was confined to this colony; with me it is unknown in this colony, but has been worked incessantly at Melbourne, Sydney, and London. I can say with pride and with truth, that the breath of slander against me here has not prevailed, but when attempted, has been received with universal denial and disgust. A paragraph appeared in the *Naval and Military Gazette*, London, in August, 1845, purporting to be a letter written from Melbourne, asserting that my conduct was so bad that no ladies could visit Government House. I treated this letter with scorn; but, unknown to me, the most intelligent and highest in this colony addressed a letter to the editor of the *Naval and Military Gazette*, designating the accusation as a 'notorious falsehood,' and vindicating themselves as well as myself from the foul calumny. This letter I transmitted to Lord Stanley in April last. You will not have received it till long after your letter to me of the 30th April last; but I trust that the reading of it will dispel the effect of the 'rumours' to which you allude; and as it is your duty, so I believe it will be your wish, to do me justice. I herewith transmit a copy of the letter to the editor of the *Gazette*. But in order that my whole conduct may undergo a thorough and rigid inquiry, I felt it incumbent on me, for my own sake, as well as for the honour of Her Majesty's Government, to lay your letter of the 30th April before the Executive Council, calling upon them to investigate my conduct. I herewith transmit the resolution of the Executive Council, to inquire and to report, and when the report is made, I will immediately transmit it also. Thus far I have addressed you, Sir, on what affects my honour and character; I trust you will now allow me to say a word on what deeply affects my interests. I resigned my seat in Parliament for one of the most important counties in England, for which, in support of constitutional principles, I stood three contested elections, and greatly impaired my fortune. I resigned the chair of the quarter-sessions of my county, to which I had been unanimously elected by the magistracy, and which I held for twenty years with unblemished character, and, I may say, with some distinction. I separated myself from my wife and family to undertake a difficult and irksome office in another hemisphere. I calculated that six years of a sufficient income would remove all my difficulties; and thus, having endured three years of toil, I am, at twenty days' notice, relieved of the administration of the affairs of the colony, and deprived of income; and not only deprived of income, but proscribed from restoration to office under the Crown, until 'rumours,' of the nature of which I am ignorant, and to which I have not yet been called upon to answer, have been satisfactorily explained. To embark immediately for England, with your letter before me, would be risking the defence of my character, and of my restoration to office, on the same unfounded basis on which I have been deprived of both; for it is clear that in England I could only meet the unauthenticated and anonymous 'rumours' against my private life by my own personal and unauthenticated contradiction; whereas it is in this colony alone that evidence must be found either to prove or disprove their falsehood. It is my intention, therefore, to wait with patience and in privacy, until I hear from you again; believing that when you receive the public demonstrations in my favour, which I transmit to you, and the report of the Executive Council, you will at once restore me to Her Majesty's favour, and that I shall receive from you an immediate appointment in some other colony, where my services may be useful, and to which I can proceed from this island, without encountering the long voyage to England. But, Sir, I ask something more from Her Majesty's Government than restitution to office; something of a more decisive character than a prolonged banishment from my family and home, in order to wipe off the injury that as an English gentleman I have sustained, in having my character injured by a Minister of the Crown from anonymous 'rumours' to which I had no opportunity of replying. I ask for a personal mark of dictinction, such as the Civil Order of the Bath, or of St. Michael, that the world may see that Her Gracious Majesty will not suffer the lowest of Her subjects to be treated with injustice. —I am, &c. (Signed) "E. EARDLEY WILMOT."

That letter was worthy of the late Sir Eardley Wilmot. It was the letter of an honest man, who in the proud consciousness of his perfect innocence felt that his position was impregnable. It was the letter of an honest and injured man, and he was sure that it had already produced on the House the conviction that the charge against the late Governor was slanderous and in all respects untrue. Having laid the charge before the Executive Council, their first proceeding was to appoint a Committee to investigate it and report thereon. The report of that Committee was before the House. The Committee was most anxious to investigate the matter to the utmost; but in the absence of all specific information—nay more, in complete darkness as to the very nature and character of the matter that was to be investigated—how could they set an inquiry on foot at all, or how was it to be expected that their labours should terminate in any satisfactory result? In the Minute of the Council by whom the Committee were appointed there occurred the following passage:—

"A calumnious paragraph too, appeared in the *Naval and Military Gazette* of October, 1845; but without his Excellency's previous knowledge or participation was immediately refuted by gentlemen, including the Members of the Council of the highest character and consideration in the community. His Excellency forwarded a copy of that document to the Secretary of State. The Bishop of Tasmania, who will shortly be in England, and who, however opposed to his Excellency's Government on public grounds, can bear testimony as to the conduct of his Excellency in the colony; so also will Bishop Wilson. But still, it is quite possible, that neither of these prelates may have ever even heard of the rumours referred to by Mr. Gladstone, and therefore it is that his Excellency is so anxious that here, on the very spot, the Council should institute every inquiry which the terms of Mr. Gladstone's letter may by possibility appear to them to suggest or justify, so that the truth may be thoroughly sifted, and the rumours themselves—or at the least so many of them as can be traced to exist—be disposed of to the satisfaction of the Secretary of State."

The Council concluded their Minute by stating, that having deliberated on the nature of his Excellency's communication, they were unanimously of opinion that the most expedient course would be to refer the whole question to a Committee. The Committee was accordingly appointed, as previously stated, and their report was before the House. He would trouble the House with a few extracts from it:—

"His Excellency Sir Eardley Wilmot having, in accordance with the opinion of the Members of the Executive Council, requested the undersigned to sit as a Committee, to inquire into the truth of certain rumours mentioned in a letter marked 'secret,' and bearing date 30th of April, 1846, from the Secretary of State for the Colonies, as affecting his (Sir Eardley Wilmot's) private life, to the nature of which the Secretary of State deemed it unnecessary more particularly to allude, but the effect of which has been to render it impossible for the Secretary of State to recommend his resumption of active duties under the Crown in any other colony until they are satisfactorily disposed of: The Committee, agreeably to this request, met, and having before them the authority to assemble of the administrator of the Government, and also the above-mentioned letter of the right hon. the Secretary of State, and also a letter of Sir Eardley Wilmot's to the clerk of the councils, of the 15th of October; and having maturely deliberated on these documents, they are unanimously of opinion, that the satisfactory investigation of the rumours in question is altogether impracticable; because—1. It is not stated in what these rumours consist; and the Committee are thus met, *in limine*, with the difficulty of having no definite object on which to direct their inquiries. 2. Because, in this state of things, the only means by which definite objects could be raised for inquiry would be by opening the doors of the committee room, and calling publicly on all those who have charges to prefer against Sir Eardley Wilmot to come forward with them—a course which the committee believe to be wholly unprecedented, and which, if taken, would not only fail to attain the end proposed by the inquiry (namely, to satisfy the Secretary of State with respect to the rumours which have reached him), but would be fraught with great public mischief, and great injustice to Sir Eardley Wilmot and private persons."

Having enumerated the other considerations which rendered a satisfactory investigation impossible, the report concluded with the following statement:—

"While the committee are thus of opinion that the investigation proposed is for these reasons impracticable, they deem it due to Sir Eardley Wilmot to certify in the most explicit terms that, as far as their own observation has gone during the private and official intercourse which they have personally had with him since his arrival in this colony, nothing has ever transpired which would justify the allegation that he has been guilty of the violation of the decencies of private life.

(Signed) "C. R. Cumberland, Lieut.-Colonel commanding Troops, sworn in Member of Executive Council, Oct. 19, 1846.
J. L. Pedder, Chief Justice.
J. E. Bicheno, Colonial Secretary.
P. Fraser, Colonial Treasurer.
F. Burgess, Chief Police Magistrate.
J Lillie, Minister of St. Andrew's Church, Hobart Town."

Really a declaration of that description, and emanating from men of such exalted position, and of such unsullied character, might in itself be deemed sufficient vindication of Sir Eardley Wilmot's reputation. But his vindication did not end there, for he had the pleasure to transmit to Mr. Gladstone an address which was presented to him on the part of some of the most distinguished inhabitants of Van Diemen's Land, in the following terms:—

"TO SIR JOHN EARDLEY WILMOT, BARONET.

"We, the undersigned inhabitants of Van Diemen's Land, having heard that your recall has been influenced by reports injurious to your moral character during your administration of the government of this colony, deem it to be a duty which we owe to truth and justice to express our unqualified contradiction of those reports; and we feel the more imperatively called upon to do so from the fact of many of us having differed in opinion upon various measures of your government. Upon the occasion of your retirement into private life, we have to assure you that you carry with you our best wishes for your future welfare."

That Address was signed by the Members of the Legislative Council, the clergy of all persuasions, the Solicitor General, the Surveyor General, the Comptroller General, the Crown Solicitor, the magistrates of the colony, all the most respectable traders of Hobart Town, and all the officials, with but one or two exceptions—which exceptions could be satisfactorily accounted for. It bore in all about 350 signatures.

When the Secretary of State received the first communication informing him of the fact of that resolution being then agreed to, and apprising him that he might expect to receive, through an official channel, a copy of the address with the signatures affixed, he wrote to the late Governor the following letter:—

"Hagley, Stourbridge, March, 9, 1847.

"Sir—I have received from Lord Grey a copy of your letter of the 5th of October, addressed to me as Secretary of State, in which you adjure me to specify immediately the dates, places, persons, and circumstances to which the rumours against your private life, forming the occasion of my letter marked 'secret,' and dated 30th of April, 1846, apply. The persons who made known to me the existence of such rumours, did not profess to support their credit by any statements of particulars of the kind to which you refer, but to found them upon general notoriety. It is not, therefore, in my power to convey to you what I have not received. Those, however, who appeal to notoriety afford by that appeal the means of putting their allegations to the test."

That would no doubt be true in a case where the alleged notoriety had actual existence; but that was not the fact in the present case. The charges themselves were false, and equally so was the allegation that they had obtained notoriety.

"In your letter, of the 30th October, to Earl Grey, of which his Lordship has likewise been so good as to send me a copy, you transmit a resolution, expressing, in terms necessarily vague, but sufficient for their purpose, the most unqualified contradiction of those reports, injurious to your moral character, which had been the subject of my communication to you. The framers of the document evidently understood their general nature; and you acquaint Lord Grey that it is signed by all the leading and influential inhabitants of the capital of the colony and its neighbourhood, with a few exceptions, which exceptions may be explained on political grounds, and including 'members of council, magistrates, merchants, and clergy of all denominations;' and further, that the resolution would be transmitted by the next ship for England. I lament, so far as the case before me is concerned, that I am no longer in a condition to try the issue, which, in the execution of a public duty, I was the instrument of raising. It will not rest with me, as you are aware, to say whether the resolution described by you, when it appears, will be sufficient to neutralise charges purporting to convey matter of public notoriety. I must say, however, that had I continued to hold the seals of the Colonial Office, I should have thought a public attestation of this kind, if so signed as to correspond with your description, an appropriate and sufficient answer to accusations which, as they did not specify particulars, could not be open to the ordinary methods of confutation. From such accusations you would be entitled, under such circumstances, to full acquittal; and it can scarcely be necessary for me to say with how much avidity I should have been prepared to recognise a just occasion of withdrawing the reference I had made; a reference which caused me the deepest pain, and which nothing but the most imperative considerations would have extorted from me. The effect which a confutation by public and general testimony of the accusations against you would have had upon my estimate of your claim to continuance of public employment is, I think, sufficiently described in my secret letter. I observe it is stated in the resolution, that the parties signing it had heard that your recall had been influenced by reports bearing upon your private character. It is right that I should entirely disavow having been moved by any such considerations in the advice which I thought it my duty to give. Your recall arose exclusively out of the causes detailed in my public despatch. If I discharged a repulsive duty in referring to matters of private life and obligation, when I addressed you in April last, as Secretary of State, it does far more violence to my feelings to recur to the subject now, when I also am in a station altogether private, and yet find myself addressing, on matters of the utmost delicacy, and entirely beyond my cognizance, one whose years and station I am bound unfeignedly to respect, and over whom in no particular can I claim any superiority. Permit me to express the hope that the office I have had to discharge, repugnant alike to your feelings and my own, has not been rendered additionally and needlessly offensive to you by any wanton obtrusiveness or inconsiderate language on my part.

(Signed) "W. E. Gladstone.

"Sir E. Eardley Wilmot, Bart., &c."

That letter contained a full and explicit declaration, on the part of Mr. Gladstone, that if the document whose arrival he was awaiting should turn out to be worded and signed as described, he should consider that such a public attestation ought to be regarded as amounting to a complete and entire acquittal of Sir E. Wilmot. The document referred to did arrive. Mr. Gladstone found that it faithfully corresponded with the description given of it; and he thereupon wrote a letter, which was expressed in the handsomest terms—a letter which was highly creditable to himself and exceedingly satisfactory to the family of the deceased gentleman. It was dated the 31st of May, 1847, and addressed to the present Sir Eardley Wilmot, the son of the late Baronet. In this communication Mr. Gladstone observed—

"I find no difficulty in stating my conviction, that in my opinion the refutation which the address from the inhabitants of Van Diemen's Land supplies to the charges against the late Sir E. Wilmot is more than sufficient to remove whatever prejudice they were calculated to raise against him."

A charge had been made, as he had before stated to the House, and that charge had been met by the authorities to whose names he had referred in the manner he had described; and Sir E. Wilmot had, at the hands of the right hon. Gentleman (Mr.

Gladstone), and at the hands of the public, and he (Mr. Spooner) trusted he would have at the hands of the House, a full and fair acquittal from those disgraceful charges—charges unfounded and unjustified. He had another letter on his behalf, from one whose name he was perfectly sure would be well received in that House—he alluded to the present Bishop of Tasmania. It was addressed by him to Mr. H. Chester, who had written a letter to his Lordship, which called forth this reply. The following was the letter of Mr. Chester. He says, after referring to the removal of Sir E. Wilmot, and the expression of opinion in the colony in his favour—

"There is one signature which, in the estimation of English churchmen, would afford most valuable testimony to the character of Sir E. Wilmot, namely, the signature of the Bishop of Tasmania, which does not appear in Sir E. Wilmot's favour. I am aware that your Lordship was not in the colony when the letter of recall was received; but as the whole of the correspondence has been published in England, and has given great pain to his wife and family, I am sure you will allow me, as Lady Wilmot's brother, but without her knowledge, to ask you to testify whether the rumours which reached the Secretary of State were publicly notorious and were well-founded. If your Lordship's testimony shall be unhappily unfavourable to Sir E. Wilmot, I shall be totally silent respecting it; but if, happily, your verdict shall be favourable, I should hope that I might make it public without any loss of time."

To that letter Mr. Chester received the following answer:—

"As I am ignorant of the extent and nature of the reports, I cannot give them an unquestionable contradiction; but, as an act of justice, I convey to you the testimony I have borne, in Sidney, at the Colonial Office, and in every society where the subject was brought forward, namely, restricted as was my intercourse with Sir Eardley Wilmot, I can yet positively declare of my own knowledge that injurious statements respecting his morals and habits have been made with an air of confidence which have been proved to be utterly groundless. Charges of immorality may have been whispered; but not one, according to my knowledge, has been proved. Mine is not the statement of an intimate friend or acquaintance, but of one who wishes to act on the principles of Christian duty."

That was the statement of the Bishop of Tasmania; and he (Mr. Spooner) had similar testimony in a letter put into his hand that morning. That letter was from Bishop Wilson, Roman Catholic Bishop of Hobart Town:—

"6, Manchester Street, Manchester Square,
June 5.

"Dear Sir—I have heard with heartfelt sorrow of the death of our late lamented Lieutenant Governor, Sir Eardley Wilmot. I have also heard with much pain of the wicked efforts of some persons, whose names are not known, to blight the character of your deceased parent. Permit me to say, that if any testimony I can bear to the moral character of the late Sir Eardley Wilmot will afford comfort to his afflicted family on this melancholy occasion, it will be most gratifying to me. I had the honour of knowing the late Sir Eardley Wilmot most intimately for about two years and a half. During that time I was in the habit of joining his social parties, and also of calling upon him on business at all hours—I may truly say, 'in season and out of season;' for he never refused to admit me—and I can affirm, without hesitation, that I never saw the slightest reason to suspect any immorality; and that I never heard a word from him, or from any one in his presence, that could offend the most delicate ear. With deep condolence, I have the honour to be, dear Sir, your faithful and humble servant,

"✠ R. W. WILSON,
Catholic Bishop of Hobart Town.

"To J. Eardley Wilmot, Esq."

There was also a letter from a gentleman who holds the office in Van Diemen's Land of Colonial Treasurer, addressed to the present Sir Eardley Wilmot, and to which he (Mr. Spooner) also called the attention of the House:—

"Imperial Hotel, Covent Garden,
June 7, 1847.

"Dear Sir Eardley—In reply to the request conveyed to me from you, I believe I need only refer you to the correspondence relating to the recall of the late Sir E. Wilmot, recently published for Parliament. You will find there my name appended to two separate documents, both exonerating Sir E. Wilmot from imputations against his moral character. I have pleasure in adding, that I know of nothing which would induce me to give a less favourable opinion now. Indeed, I may say, that I scarcely met a respectable person in Van Diemen's Land, who admitted their belief in such idle rumours as were afloat in the colony while I was there. The gross calumnies which I find have reached this country would not have been listened to for a moment in Van Diemen's Land.—Yours very truly, "P. FRASER.

"Sir J. Eardley Wilmot, Bart."

So far as regarded the imputations against the character of Sir Eardley Wilmot, he (Mr. Spooner) had discharged the painful task he had undertaken; and he hoped that his statement would have the effect of producing on the minds of hon. Members of the House the impression that Sir Eardley Wilmot had been most seriously injured and scandalously traduced. He looked with full confidence that the House would receive from the Colleagues of the right hon. Gentleman (Mr. Gladstone) an expression of their acquiescence and concurrence in the views which the late Secretary of State for the Colonies had expressed in the letter to which he had called their attention; but while he was completely content with what he had said, so far as the charges against, and the vindication of, the

the late Sir E. Wilmot went, he wished to address a few words to his hon. Friend opposite, the present Under Secretary of State for the Colonies. He must say he thought that the late Governor of Van Diemen's Land had a clear right to complain, and that the present Baronet had likewise a right to complain of the way in which their letters had been received. He next called attention to two letters from the present Sir Eardley Wilmot to the right hon. Earl Grey, which produced an answer from his hon. Friend opposite, in which he stated—

> "I am directed by Lord Grey to acknowledge the receipt of your letter of the 24th of April, in which you call attention to the terms of the despatch from Van Diemen's Land, and which was addressed to Mr. Gladstone. In reply, I am directed to inform you, that, being ignorant of the grounds on which the despatch was written, it is impossible for his Lordship to express any opinion about it."

Now, the noble Lord was not appealed to for any opinion as to whether Sir Eardley Wilmot was rightly or wrongly dismissed. He was called upon to say whether he would feel justified in joining in the declaration which he (Mr. Spooner) had read from Mr. Gladstone, and thus afford a full and complete vindication of the character of Sir E. Wilmot. He (Mr. Spooner) thought it was due to the memory of one who had suffered so much as Sir E. Wilmot had done to do this. He thought it was due to his afflicted family and to the public that justice should be done. He thought the noble Lord would have shown a more English feeling if he had condescended to express his conviction that the charge was unfounded. A petition from Sir Eardley Wilmot had been presented to the Queen, through Earl Grey, setting forth the facts which he (Mr. Spooner) had already stated, and humbly praying that Her Majesty would give such order and direction as would enable the petitioner at once to meet the charges contained in the Secretary of State's letters, and to prove the falsehood thereof. That was the prayer which had been refused—the prayer that those means which he sought for should be granted, had not been acceded to. He also prayed that Her Most Gracious Majesty would confer such mark of favour upon him as would show that Her Majesty would not allow such an act of injustice to be done without making reparation; but that prayer was not granted. He had cleared his character; but he asked the aid of the Colonial Office to be able completely to carry out that object; and he thought the answer of Earl Grey was cold and severe, in reply to a heartrending application, and a most constitutional request. He stated in that answer, that he had received his letter and memorial, and had laid them before the Queen, who was pleased to receive them very graciously; but he was not able to advise Her Majesty to accede to the request contained in them. That was the answer of one who had stood forward in his public character as the zealous defender of the constitutional rights and interests of the subject. When an injured individual applied to him for the means of vindicating his character, he was met with that, which he (Mr. Spooner) must call, most repulsive answer. The House had now the facts before them; and he (Mr. Spooner) relied upon them as affording a complete vindication of the memory of Sir Eardley Wilmot. He relied also upon them as a means of consolation to his afflicted family, for whose sorrow, under the heavy visitation with which Providence had been pleased to visit them, he felt the most lively interest, and the deepest sympathy.

LORD BROOKE said, after the speech of the hon. Member for Birmingham—and he could have trusted the vindication of Sir Eardley Wilmot to that speech, without adding a word—he was anxious, as one of the Members of the county which Sir Eardley had so long represented, that his (Lord Brooke's) name should at least appear as confirming the statements of his hon. Friend. He agreed that the recall of a Colonial Governor upon public grounds rested with the Colonial Office, and he should be unwilling to interfere with its discretion; but where private accusations were brought upon anonymous grounds, and unfounded charges were made upon such grounds, affecting the future prosperity and well-being of those against whom they were levelled, it was most natural that the individuals should desire that their character should be cleared from the charges. He understood that the late Secretary of State did not deny that Sir Eardley Wilmot had a right to defend himself from the charges, and that he would have been most willing to acquit him; and he, therefore, most strongly and anxiously requested the representative of the Colonial Secretary in this House, that he would, at least if he went so far as to adopt the accusations of the late Secretary —["No, no; he does not."] From the answer which his hon. Friend had read from the Colonial Secretary, it would appear that he did, to a certain extent, adopt them, as he had declined to recommend Her Majesty to reinstate Sir E. Wilmot. He was anxious to hear from the noble Earl at least that acquittal which his predecessor in office was ready to give.

MR. DUGDALE perfectly agreed with the sentiments of his noble Friend and the hon. Member for Birmingham; and as he had had the honour of being for many years the colleague of Sir E. Wilmot, he could not help saying a few words. Sir Sir E. Wilmot had filled the high office of chairman of the quarter-sessions in the district which he represented; and he (Mr. Dugdale) had much pleasure in stating that he discharged that office with the greatest satisfaction to all parties. With his hon. Friend the Member for Birmingham, he had no hesitation in saying that all the charges which had been brought against Sir E. Wilmot were entirely false, and that the documents which had been brought that evening under the notice of the House contradicted in the most ample manner the calumnious reports as to his private character. He thanked the House for the kindness which they had shown towards his hon. Friend in allowing him to bring forward the subject that evening. That kindness would be duly appreciated by, and be most consolatory to, the family and friends of the late Sir E. Wilmot.

SIR R. PEEL: I stand in the same relation towards the late Sir E. Wilmot as the noble Lord and my hon. Friend. I was perfectly acquainted with him for several years, and I was one of his constituents; I had, therefore, an opportunity of knowing the manner in which he discharged his duty as representative of the county of Warwick, and of ascertaining that he acquired the good opinion of those he represented. I well recollect the occasion when my noble Friend (Lord Stanley), who then filled the office of Secretary of State for the Colonial Department, in selecting a person properly qualified to fill the post of Governor of Van Diemen's Land, which was a matter of no small difficulty, considering the peculiar circumstances of that colony, was urged to appoint a military officer instead of a civil Governor; but my noble Friend's sole motive for selecting Sir Eardley Wilmot for the post of Governor was my noble Friend's opinion, that, from Sir Eardley Wilmot's experience in the administration of the law as chairman of the quarter-sessions for the county of Warwick, and as county Member, he had had peculiar means of acquiring almost daily experience in all that relates to the administration of criminal justice; and he was recommended to the office by the unanimous voices of the magistrates — the general concurrence of the whole bench. No Member of this House will undervalue the importance in such an office of experience in the administration of the criminal law; and that was the sole motive which influenced my noble Friend in making the selection for this office. With regard to the grounds—the public grounds — for the removal of Sir E. Wilmot from the administration of affairs in the colony, my hon. Friend has most properly abstained from entering into a discussion of them. It is not for this House to control the discretion of the Crown in this respect. But it was distinctly admitted by my right hon. Friend the late Secretary of State for the Colonies, in writing to Sir E. Wilmot, that he did not intend to withdraw him from the colony on account of any public misconduct or public neglect that would justify his withdrawal from a colony in ordinary circumstances; but in the peculiar circumstances of that colony, in consequence of the communications he had received thence, he thought himself justified in recalling Sir Eardley, and appointing another person to that office. But there was a distinct admission on the part of my right hon. Friend, that there was nothing which, on public grounds, would prevent the re-appointment of Sir Eardley to some other colony; and, looking to the public conduct of Sir E. Wilmot, in the discharge of his ordinary functions of Governor, I think my right hon. Friend would have been fully justified in recommending his re-employment in a similar capacity in another place. But I think my right hon. Friend (Mr. Gladstone) was placed in a peculiar and painful position with relation to this matter. Three persons connected with the colony communicated certain information, confirming the rumours which had reached this country as to the private conduct of Sir E. Wilmot. These three persons, who were of unexceptionable character, informed my right hon. Friend that the private life of Sir E. Wilmot was such as, in their opinion, was not compatible with a proper discharge of his duty as a public officer. Public rumour being thus confirmed, my right hon. Friend was justified in giving his advice to the

Crown to remove Sir E. Wilmot from the government of that colony. But though he thought Sir E. Wilmot disqualified to fill the post of Governor in that particular colony, there was nothing in his public conduct which justified his removal. At the same time my right hon. Friend felt that it was not inconsistent with his duty, after receiving this information from these three persons, to desire some refutation of the charges affecting the private character of Sir Eardley which had reached the Colonial Office. Would my right hon. Friend have been justified in withholding these charges from Sir Eardley Wilmot? Was it not right that he should know that there were those impressions with respect to his private character? My right hon. Friend, therefore, in a secret despatch, communicated to Sir Eardley Wilmot the reasons which had influenced him, and the information from these respectable persons, which had given confirmation to the rumours respecting his private conduct. One of these persons was living within the limits of the United Kingdom; and application was made to this gentleman to sanction the use of his name; but this he declined. With respect to the two other persons, they were not in England. Now, I agree generally in the statement made by my hon. Friend (Mr. Spooner). It is my duty to state that my right hon. Friend feels the strongest conviction that the information he received was totally and entirely erroneous. I am enabled to give the most complete and explicit admission on his part, that the charges he received affecting the private character of Sir Eardley Wilmot are without foundation, and totally and entirely erroneous. My hon. Friend the Member for Birmingham has ably vindicated the character of Sir Eardley Wilmot against these charges. He has commented upon the nature of the charges, and the conduct of those who made them. On my own part, I also do not hesitate to express my own opinion that the charges preferred against Sir E. Wilmot must be considered as being totally and entirely without foundation. I should have felt it to be my duty, as connected with the Government of which my right hon. Friend (Mr. Gladstone) was a Member, to have said thus much; but I am further induced to do so by my own feelings of personal regard towards Sir E. Wilmot, and my anxiety to show that I share in the sympathy expressed by my hon. Friend towards the widow and family who have sustained so severe a loss. I concur with him in thinking that the immediate representative of the title of Sir E. Wilmot—I mean his son—has shown qualities which entitle him to our strongest sympathy in the painful position in which he has been placed by Providence. I have felt it to be my duty, though I consider that my hon. Friend has stated the facts of the case most correctly, to do this act of justice to the memory of Sir E. Wilmot, and both on my own part and on that of my right hon. Friend to make him all the reparation in our power.

Lord J. RUSSELL: I do not wonder that the right hon. Baronet the Member for Tamworth should be anxious to render a reparation to the memory of Sir Eardley Wilmot; and I think that the House must be satisfied, both by the letter of Mr. Gladstone and the declaration of the right hon. Baronet, that there is enough to show the force which the charges had upon the mind of Mr. Gladstone at the time they were brought under his notice; and the right hon. Baronet has said, that, notwithstanding the impression which the charges made, he as well as Mr. Gladstone are now convinced that the charges are entirely erroneous; that although those charges affected only the private character of Sir Eardley Wilmot, they were unfounded. Such being the case, I should not have felt it necessary to say a single word upon the subject, had it not been that the hon. Member for Birmingham has thought fit to animadvert upon the conduct of my noble Friend the Secretary of State for the Colonies. In order to form a judgment as to the accusations against Sir Eardley Wilmot, one thing was necessary, and that was to have the evidence in support of them. Now, with respect to all these matters, my noble Friend was entirely ignorant. He was informed that accusations had been preferred affecting the private character of Sir E. Wilmot. What they were he was not informed, and as to who had brought them he was not informed. How, then, could my noble Friend have pretended to give any opinion upon the subject, or add any weight to what had been done either in the colony or in this country to vindicate the character of Sir Eardley Wilmot, if my noble Friend believed the charges to be without foundation? He was without any means of judging; the only thing he knew was, that certain charges against Sir Eardley had been brought under the notice of Mr. Gladstone. It does not appear that

Mr. Gladstone, though he sent a despatch to Sir Eardley respecting these charges, deemed it necessary to record that despatch in the Colonial Office—so that this despatch, described as "confidential and secret," is really no more than a private letter from Mr. Gladstone. But, the noble Lord (Lord Brooke) has stated that my noble Friend must have adopted the charges, because he did not deem it his duty to advise the Crown to re-appoint Sir Eardley Wilmot to some other colony. I must say, that in my opinion, it was not the duty of my noble Friend to give this testimony to the public conduct of Sir Eardley Wilmot before he had refuted the charges made against his private character. It was his duty and his privilege to select persons whom he thought the fittest in every respect for the government of colonies. Lord Stanley thought Sir Eardley Wilmot peculiarly qualified for the government of Van Diemen's Land, and recommended him to Her Majesty for the appointment. My noble Friend was not to be told, because charges had been brought against the private character of that Governor, which had been acted upon by his predecessor, this amounted to a recommendation that another colonial government should be provided for Sir Eardley Wilmot. My noble Friend was not bound by any such recommendation. As to the proceeding of Mr. Gladstone, and the course taken by him, it is not for me to pass any judgment or express any opinion upon them. These are most painful duties for a Secretary of State to perform. If he entertains charges against a governor, he is assailed with imputations, and often causes animosities and quarrels in the colony. At the same time time, there are cases in which a Secretary of State is bound to listen to such charges. Whether Mr. Gladstone did right or wrong in receiving these statements as matter of accusation it is not for me to say; he knew the persons who brought the charges, and whether the charges were entitled to general belief, and he ought at least to have been aware of the credit to be given to the authority of the persons who brought them. It turns out that one of them is not willing that even his name should be mentioned; his testimony, therefore, is not entitled to much respect, and I think we may presume that the charges are wholly false and unfounded. However, Sir, to act on such information is a question which depends upon the discretion of the Secretary of State for the time being; and I only hope that the hon. Gentleman who has brought forward this question, and those who are the Friends of the late Sir E. Wilmot, will consider that whatever opinions may be entertained by those who hold office, or have held office, or by the country in general, with respect to certain political measures of the late Sir E. Wilmot, as Governor of Van Diemen's Land, that all those charges respecting his private conduct have been swept to the winds, and that his son will rest satisfied, so far as regards the present discussion, that the moral reputation of his father has been entirely vindicated.

MR. SPOONER, in explanation, stated that when Sir E. Wilmot applied to the Colonial Office in order to obtain those facilities for rebutting the charges that had been made against him, and which that Office could afford, Earl Grey declined to render him the assistance which would have enabled him to clear his character.

MR. V. SMITH was of opinion that from what had transpired in the course of the present discussion every hon. Member must feel that the character of the late Sir E. Wilmot had been perfectly vindicated; and under the painful circumstances which had occurred, it must be very consolatory to the feelings of his widow and family that testimony had been borne by all parties to the character of their lamented relative. He regretted, however, that the noble Lord the Member for South Warwickshire (Lord Brooke) should have said anything that savoured of a party attack on the noble Lord at the head of the Colonial Office, while he entirely omitted alluding to the late Secretary of State for the Colonies (Mr. Gladstone), with whom all the fault rested. Great caution ought to be observed by a Secretary of State for the Colonies when dealing with the characters of official men who were four months' voyage from the spot where an accusation against them might have been made. It was the duty of the Secretary of State to protect such persons to the very last moment. The right hon. Gentleman opposite (Sir R. Peel) had informed the House for the first time that three persons laid information before Mr. Gladstone, or at least before the Colonial Office, on the subject of the conduct of Sir E. Wilmot; but it did not appear that Mr. Gladstone had any personal communication with those parties; on the contrary, it would seem that he derived his information from some subordinates in his department. On this information Mr. Gladstone acted. He would venture to read three sentences from Mr. Gladstone's letter to Sir E. Wilmot. Mr. Gladstone said—

"Had these rumours been slight, and without presumptions of credibility, I might warrantably and gladly have passed them by."

Now, he must say, that he should hope, for the sake of human nature, that the presumptions of incredibility were very considerable when the character of a man of high station was attacked by mere rumours. But Mr. Gladstone proceeded to say, that—

"Had these rumours taken the form of charges, or of information supported by the names of the parties tendering it;"—

(Here Mr. Gladstone stated in so many words that the names of his informants were not known; but the right hon. Baronet (Sir R. Peel) had told the House that he knew the names of two of the three parties who were the informants, but that the third party had refused to give up his name)—

—"it would have been my absolute duty, independently of any other reason for interference with your tenure of office, to refer the matter to you, and at once call upon you for your exculpation. But they occupy an intermediate position."

He must say that, in common parlance, the phrase of "rumours, holding an intermediate position," was to him somewhat unintelligible. He did not mean to cavil with Mr. Gladstone's conduct; but this was frittering a man's character away in a most intolerable manner. He had heard of a good, a bad, or an indifferent character; but he had never head of an intermediate character, and he really did not know what it was. The letter proceeded—

"Presuming that I have been justified in refraining from bringing them under your notice up to the present time, I feel that it would be impossible to recommend your resumption of active duties under the Crown in any other colony until they are satisfactorily disposed of."

Under what circumstances was this letter despatched? A public letter had previously gone out to recall Sir Eardley Wilmot; therefore there was no necessity to do anything until that gentleman came home, when he would have been able to meet the accusation. He felt that this letter was not such as became the person filling the high station occupied by Mr. Gladstone. If such proceedings as this letter were to be continued, he did not know anything that would tend more to prevent public men accepting colonial appointments. He perfectly agreed with Sir Eardley Wilmot as to his being placed in the un-English position of a man charged with unknown acts of impropriety, injurious to his character and destructive of his interests—without any knowledge as to who were his accusers, or as to what were the accusations. He was perfectly willing to admit that since that time Mr. Gladstone had done all in his power to allay the irritation which had been excited. Every one who knew anything personally of Mr. Gladstone was well aware of the kindness of his disposition, and of the pain which these proceedings must have given him. The hon. Member for Birmingham, in the course of his speech, had chosen to bring a charge agaist Earl Grey, and said that Sir Eardley Wilmot's family had a serious matter to bring against that noble Lord. If this was the case, it was their duty to bring it forward at once. It was quite unnecessary for him to say anything in defence of Earl Grey after what had fallen from the noble Lord at the head of the Government. With Earl Grey he had no political connexion; but he entertained the highest regard for his character, and felt bound to protest against such a charge as had been made against him.

Mr. NEWDEGATE observed, that he had no personal acquaintance with Sir E. Wilmot, but, being connected with the county of Warwick, he felt bound to say that he considered the character of that gentleman to have been most amply vindicated. One further act of redress, however, remained still to be rendered, and he trusted it would not be withheld. In the Colonial Office it might be supposed rested the taint of these charges. Now, he did trust that the representative of that Office in the House of Commons would give an assurance to the House that if any such false documents remained there, they should either be given up or destroyed. He would only make one further remark—he thought it most unfortunate that Earl Grey should not have pursued a nobler course than he considered it fit to do; but the noble Lord at the head of Her Majesty's Government had made amends, by avowing—on good reasons—his total disbelief of the scandalous charges alleged against an hon. Gentleman who was now deceased.

Sir J. GRAHAM: I had hoped, after the speech of my right hon. Friend late at the head of Her Majesty's Government, and after the speech of the noble Lord at the head of the present Administration, that this discussion would have been permitted to have closed in a manner which I believe would have been perfectly satisfactory to all parties. ["Hear!"] Some hon. Gentlemen opposite who cheer, perhaps do not stand on this occasion precisely in the same relation with the late Sir Eardley Wilmot as I do. For a long time I had the pleasure, I will not say of being on terms of friendship, but of intimate acquaintance, such as exists between Members of this House, with Sir E. Wilmot. I knew him for many years, and always entertained great respect for his character and general conduct as a Member of this House; and if there be any responsibility to be shared by any Member of the same Government by whom Sir E. Wilmot was appointed Governor of Van Diemen's Land, then, certainly, I am prepared to share that responsibility with my noble Friend, Lord Stanley. I consulted with my noble Friend before the appointment was made, and I entirely concurred in the propriety of the appointment. My relation, therefore, with Sir E. Wilmot is somewhat different from that of hon. Gentlemen opposite. First, with respect to the moral conduct of Sir E. Wilmot, I am satisfied that on all sides of this House it will be admitted that, by the explanation which has been given by the hon. Member for Birmingham — derived from the most authentic sources, and from Van Diemen's Land itself—every vestige of a taint of a suspicion affecting the moral character of Sir E. Wilmot has been entirely removed. Then, with respect to another topic which has been introduced into this debate, namely, the conduct of Earl Grey in this matter, I must say that I entirely differ from the hon. Member for Birmingham; I think the explanation given by the noble Lord (Lord John Russell) as to Earl Grey's conduct is full and entirely satisfactory, and especially upon this ground —being the ground mentioned by the hon. Member for North Warwickshire (Mr. Newdegate)—that in the Colonial Office there was no trace whatever of any proof or statement of an official nature upon which the private letter of Mr. Gladstone was founded. And if I am not very much mistaken, after I shall sit down, the hon. Gentleman opposite (Mr. Hawes) will give the House an assurance that there is no record of any statement whatever upon the subject of those charges in the Colonial Office. Therefore, neither with respect to the conduct of Sir Eardley Wilmot himself, nor with respect to the conduct of the present Colonial Secretary, is there any question remaining. Then comes the question as to the conduct of my right hon. Friend Mr. Gladstone. That certainly is a subject for explanation. In the course of the present discussion it has been said, negatively indeed, but in a manner almost amounting to an affirmation, that the secret letter addressed to Sir Eardley Wilmot was needlessly and wantonly written by Mr. Gladstone. It has been also said that the accusations were insinuated, and were anonymous. They were neither insinuated nor anonymous. ["Name!"] Allow me: the accusations were positive—the parties who communicated them did not give them anonymously, but presented themselves at the Colonial Office; and, as it has been stated by my right hon. Friend (Sir R. Peel), two of those individuals are now in Van Diemen's Land; one occupying a high official situation, and the other, though not holding an official situation, yet holding a position of the highest respectability, is a person of unblemished character. With respect to the third person, he also did hold an official situation; he made the accusation, and when called upon to allow his name to be used, he shrunk from the avowal. My right hon. Friend Mr. Gladstone has admitted that, with respect to that individual, the whole of the allegations against Sir Eardley Wilmot as preferred by him must be discharged; but with respect to the other two individuals, the accusations were so direct and positive, and were made in a manner all but official—certainly, if not official, yet were made so authoritatively—that no Secretary of State would be warranted in overlooking them; and although he did not rest the removal of Sir Eardley Wilmot from the public service upon those charges, yet he would not have been acting with candour and good faith towards that gentleman if he had not stated to him that such information had reached him. Now, what is the accusation against Mr. Gladstone? It is not contended that upon public official grounds he might not have removed Sir Eardley Wilmot from the government of Van Diemen's Land under the circumstances in which that colony was placed. If that is conceded, then the defence of Mr. Gladstone is this, that not thinking it expedient to retain Sir Eardley Wilmot as the Governor of Van Diemen's Land— while sending out a public despatch for his recall, he was most anxious to break the heaviness of that recall, by having it in his power to recommend Sir Eardley

Wilmot to another appointment, if Sir Eardley could find it possible to remove the imputations cast on his private character, a statement of which had reached Mr. Gladstone, and to which, therefore, he felt it his duty to call Sir Eardley Wilmot's attention, in order that he might give to these allegations a direct negative. Mr. Gladstone, with a view to enable himself, if he considered Sir Eardley Wilmot qualified for a future appointment, to nominate him to one, gave Sir Eardley Wilmot an opportunity to contradict the accusations which had been made against him. I am of opinion that my right hon. Friend was misinformed, and that the accusations were unfounded; but I am decidedly of opinion that if the transaction were to happen again—viewing the matter as it stood when Mr. Gladstone wrote the official despatch to Sir Eardley Wilmot—and looking at the position of Sir Eardley—that the kindest course Mr. Gladstone could take would be the course which he did take, that of writing a private letter, and of affording Sir Eardley Wilmot an opportunity of refuting charges affecting his private character, which, if unremoved, would have disqualified him from holding service under the Crown, but which, if removed, as happily they have been removed, would have entitled him to a reappointment. I have thus stated my view of the case. If my right hon. Friend erred, it was not from any unkind motive towards the party charged. With respect to the duty of the Government at home towards persons holding official situations in distant colonies, I admit that the utmost tenderness and consideration should be shown on the part of the Executive towards them. They are peculiarly open to groundless accusations, owing to the distance to which they are removed from the mother country depriving them of the opportunity of defending themselves. I am quite sure that my right hon. Friend Mr. Gladstone cannot be charged generally with having omitted that duty. An instance occurred during his tenure of office, as Colonial Secretary, when it became his duty to contend very strenuously with a powerful party, who preferred an accusation against a Colonial Governor. In that case my right hon. Friend evinced every readiness to maintain the servant of the Crown, who was not present to vindicate himself. Generally, I do say, that it is the duty of the Executive Government to be very slow in believing accusations against parties who cannot be present to defend themselves. But in the present case I do not consider these charges to have been founded upon mere public rumour. They rested upon grounds quite distinct, and specifically stated by credible parties. The official despatch to Sir Eardley Wilmot most certainly rests upon public grounds—not now to be entered into. I am sure the House will not expect those public grounds to be now argued. The utmost fault which can be imputed to my right hon. Friend Mr. Gladstone is, that he wrote a private letter which afforded Sir Eardley Wilmot an opportunity of explaining circumstances, which, if left unexplained, would have disqualified him from holding any future public appointment. I am sure it would have been considered inconsistent with the candour of a generous mind to have withheld from Sir Eardley Wilmot the opportunity of giving that explanation. The general character of my right hon. Friend must be admitted to be unblemished in every respect, and his kindness of heart cannot be doubted; and I trust that those who may feel they have reason to complain of the course he pursued, will be persuaded that his conduct was not dictated by any ungenerous feeling towards Sir Eardley Wilmot; and that the House will admit that he has acted neither unfaithfully nor uncandidly towards him in his discharge of a painful but imperative public duty.

Mr. HAWES did not consider it necessary, after the speech of his noble Friend (Lord J. Russell), to detain the House with any lengthened observations. He must, however, state, in answer to the hon. Member for North Warwickshire (Mr. Newdegate), that there was no trace whatever among the records of the Colonial Office of there having been, on any occasion, any communication made either by words written directly, or by implication, tending to cast any imputation upon the character of Sir Eardley Wilmot. There was no official record whatever of any of these charges. The hon. Member for Birmingham had rather inaccurately stated what passed between Earl Grey and the present Sir E. Wilmot. What the latter wished was, that Earl Grey, in consequence of documents forwarded from Van Diemen's Land, should state that he was convinced that all the accusations against his father were unfounded; but the noble Lord stated that he knew nothing of the grounds on which Mr. Gladstone's letter was written, and, therefore, was unable to make any statement on the subject. The noble Lord had no cognizance of any accusations; and the secret letter of Mr. Gladstone was only known to the Colonial Office on its being received from Van Diemen's Land in a despatch from Sir E. Wilmot himself. Earl Grey also informed the present Sir E. Wilmot that one reason which prevented him from making any statement to him on the subject was, that he should be obliged to make some statement on the subject in public. For his own part, he considered that the documents transmitted from the colony, accompanied by the personal declarations of those who had been there, entirely removed from his mind every trace of these accusations. He did not wish to cast any reproach or censure on Mr. Gladstone; but he could not say that he thought that Mr. Gladstone was quite justified in the course he had taken. This was all he wished to say on the subject.

SIR C. DOUGLAS said, he had reason to believe that what had passed in the present debate would be perfectly satisfactory to the family of Sir E. Wilmot.

MR. CURTEIS had every reason to believe that Mr. Gladstone, in what he had done, had committed an error in judgment, and that he did not mean any unkindness; but there were three other persons who had not been handled as they deserved, and he would not be restrained from expressing his opinion on their conduct. He did not envy the feelings of the three gentlemen who had originated this calumny against Sir E. Wilmot. They had the satisfaction — if it was a satisfaction to them—of having hunted an innocent man to the grave; for if they had not directly caused the death of Sir Eardley Wilmot, at any rate it must be a satisfaction to them to know that they had caused him sorrow and misery in his dying moments. He said those three persons—gentlemen he would not rate them, whatever might be the rank in society which they had filled—had been proved to have circulated a base, foul, and cowardly calumny; and he thought Mr. Gladstone had erred in judgment in not giving up their names. He thought the hon. Member for Birmingham would have acted more discreetly if he had not at the close of his speech attacked the present head of the Colonial Office, as it was a strong provocation to his side of the House to make a party attack upon Mr. Gladstone, who was, to say the least, as much open to attack as the noble Earl who at present filled that high office.

MR. BORTHWICK would not allow the subject to pass without making one remark. However satisfactorily this discussion might and must be to the feelings of the surviving relatives of Sir Eardley Wilmot, to his mind it was in every part unsatisfactory, and he believed it would be found unsatisfactory to the House and to the country, except for this, that it was now proved that Sir Eardley Wilmot had been ungenerously treated and unjustly accused. He thought the noble Lord at the head of the Administration had satisfactorily answered the complaints of the hon. Member for Birmingham, when he stated that the records on which these accusations were founded did not remain in the Colonial Office—that the present Minister for the Colonies was ignorant of the names of those who had brought the accusation against the Governor—that he did not know what the accusation was—that he had no knowledge whatever of this most melancholy and disgraceful case, except of that part which was contained in the papers in the shape of public despatches. If this were true, then the request made to Earl Grey that he should examine or refute the calumnies alluded to, was a request with which he could not comply, because he had not the means of complying, whatever might be his inclination. The true state of the case was this: a functionary administering the law in a distant colony in the name of Her Majesty was recalled by the Government that appointed him to the office; and his recall was accompanied with certain complaints made against his conduct. These complaints were stated by the right hon. Secretary for the Colonies to be sufficient to induce him to decline recommending the Governor, as was usually done on such occasions, to a new office; and then his successor was called upon to rebut charges of which he had no knowledge whatever. The right hon. Baronet the Member for Tamworth said—and he was followed in this by the right hon. Baronet the Member for Dorchester — that the grounds on which Sir Eardley Wilmot was recalled had nothing to do with the statements contained in the secret letter. But it was stated in the documents that though the grounds stated in the public despatch were sufficient for his recall, they would not have prevented his being appointed to some other colonial government. The statements contained in the secret despatch did prevent his appointment to some other situation; and, therefore, was it not certain that they were bound *à fortiori* to recall him on the grounds stated in the secret despatch? The right hon. Baronet said that the charges were not anonymous. What was the description given of these charges by the right hon. Gentleman himself in his secret letter? He said, "Had these rumours been slight, and without a presumption of credibility, I might have warrantably passed them by—had they, on the other hand, been put in the form of charges, or information supported by the names of the parties tendering it, it would have become my absolute duty to refer the matter to you, and to call upon you for exculpation; but they occupy an intermediate position." Now, could any man, whether in or out of the House, comprehend the meaning of this statement? He was not surprised that the right hon. Baronet said the charges were not anonymous. He might with equal justice have said that they were neither anonymous nor not anonymous. It now appeared that all parties were sorry this charge had ever been made; but he wished to bring this fact prominently before the House, that if the statement contained in the letter of the son of Sir Eardley Wilmot were true, then a public servant had been allowed to sink into the grave under the weight and pressure of a cruel and false calumny which had been made to the Colonial Minister of the country—which had been listened to by him—which was made by persons who, it appeared, were present *in propria persona*, and yet that their names were refused to be given up to Sir Eardley Wilmot. On that point he wished to call the attention of the right hon. Members for Dorchester and Tamworth to look at the comparative evil which had happened. The Governor's character was in the attitude of being blackened and destroyed for ever; three persons had come to the Colonial Office and made certain statements to the Minister destructive of the character of the Governor; and yet, because they were fearful of the public sanction of their names being given to a statement which they knew would be destructive to the man's character, their names were withheld from the public. The Governor was sacrificed, and the calumniators were protected. He thought the hon. Member for Birmingham had done well in not referring to the public despatch of Mr. Gladstone, not only for the reasons he had himself given, and the reasons which the right hon. Member for Tamworth had given, but also because it was impossible to extract, even from that document, a clear statement which the mind of any Member in the House could grasp, of the cause why Sir Eardley Wilmot was removed. He had only to add, that he had no acquaintance with Sir Eardley Wilmot; but he felt he should not be doing his duty if he did not say that the Government had protected the calumniators and sacrificed the Governor.

Mr. HORSMAN said, that the hon. Member for Birmingham had brought forward this case, not only with great ability, but with complete success. It certainly was a most painful case to be discussed in that House; but as regarded the feelings of those most deeply interested in the discussion, nothing could be more completely satisfactory than the manner in which Sir E. Wilmot's honour had been vindicated, and the charges against him withdrawn. But the House had been told by the hon. Member for Birmingham that the whole of these charges had originated in three gentleman going to the Colonial Office, and making the statements on their authority. The right hon. Baronet the Member for Dorchester had since told the House that one of those gentlemen held a high official appointment in the colonies. Bearing this in mind, and recollecting the words of Sir E. Wilmot himself, who stated that he was the victim of the most extraordinary conspiracy that ever succeeded in defaming the character of a public servant, he wished to know whether the hon. Member for Birmingham had furnished the Government with the name of this informant; and, also, whether the Colonial Office had taken any steps, or were about to take any steps, to communicate with one who was said to hold a high official appointment in the colonies, with the view of affording him an opportunity of explaining how he became a party to accusations now so universally condemned? As regarded the conduct of Mr. Gladstone, the discussion assumed a personal character, and this he was particularly anxious to avoid. Believing Mr. Gladstone to be actuated by the kindest and most conscientious motives, yet he could not but feel that in accompanying the public despatch with the secret letter which had been alluded to, Mr. Gladstone's conduct was rash, indefensible, and unjust. He should liked to have heard, at the close of Mr. Gladstone's letter to the present Sir E. Wilmot, a frank acknowledgment that he had been guilty of one of those indiscretions which no man was exempt from. Whatever might be the respect of hon. Members for Mr. Gladstone, and whatever his desire to avoid everything of a mere personal nature, yet he thought that public duty called on them, whenever they felt that a public man had been unjustly and grievously treated, not to allow any private consideration to prevent them from declaring that such person had been the victim of great injustice.

Mr. SPOONER said, that the hon. Gentleman had asked him whether he had communicated to the Colonial Office the individual's name, which was at present unknown. All he could say was, that he did not now, and never did, know the name.

Captain GLADSTONE felt it only necessary, after the complete explanation which had been given of the whole affair, to say a very few words on this, in many respects, painful subject. The hon. Gentleman who had just sat down had expressed his regret that the late Secretary for the Colonies did not, at the end of his letter to the present Sir R. Wilmot, avow that he had committed a great indiscretion in writing the private letter to the late Sir E. Wilmot. Now, he was sure that the same sense of justice which induced the late Secretary for the Colonies to state to the present Sir E. Wilmot that his father's private character was perfectly cleared, and that if he had retained the seals of office, he would have felt it his duty to recommend Sir E. Wilmot for re-employment, would have made him confess that he had committed an error or indiscretion, if he had felt that he had committed one. The House perhaps hardly sufficiently saw that the course pursued by the late Secretary for the Colonies was one of kindness, and nothing but kindness, to Sir E. Wilmot. The easiest course for the Colonial Secretary to adopt would have been to take no notice of the reports that had been alluded to, but to allow Sir E. Wilmot to return, and he would then, if spared, have been disqualified for re-employment. But the Colonial Secretary knew the sacrifices which, in a pecuniary sense, Sir E. Wilmot made in going out, and did not wish to place him in that position. The right hon. Gentleman the member for Northampton (Mr. V. Smith) said that the Secretary for the Colonies ought not to have made any intimation to Sir E. Wilmot of the reasons which prevented him from recommending that gentleman for re-employment under the Crown; but what would have been his feelings if his life had been spared, and he had returned home without hearing those reasons? He would have said, "You have placed me in a false position; you wait till my return before you make this charge, and it is not in my power here to clear myself of it." He (Captain Gladstone) might say, he believed, on the part of his right hon. relative, that he deeply regretted—he must regret—that those charges ever were made; at the same time, his justification in his (Captain Gladstone's) mind, rested entirely on the evidence, and the nature of the charges, and the parties by whom they were made. If his right hon. relative wrote his letter on insufficient ground, then, certainly, he was guilty of worse than indiscretion; but, if not, he took the only course he could take. He was under the disadvantage, and so were those who defended him, of not being able to give the names. [An Hon. Member: Why not?] The circumstances had been most accurately described by the right hon. Baronet (Sir J. Graham); and in the position in which the Secretary for the Colonies was placed, he could have pursued no other course than that which he took. That right hon. Gentleman rejoiced greatly that the character of Sir E. Wilmot was cleared, and would rejoice to find that it was cleared in a manner satisfactory to the members of that House and to the feelings of his family.

Mr. ROEBUCK was anxious for the character of England, and wanted to know whether this was the sort of treatment to which the governors of her colonies were to be subject. The hon. and gallant Captain said, "If you knew the parties who made the accusation, you would understand the position of my right hon. relative;" why had not his right hon. relative stated those names long ago? He had no notion of official reserve when an honest man was to be sacrificed. Were the charges made by these persons true? No; the hon. and gallant Member's "right hon. relative." had declared that they were not true. These respectable names, then, had been vouchers for a falsehood. A gentleman had gone out to represent the Sovereign of England—to govern a distant colony in very difficult circumstances—and had performed his duty to the best of his ability. Behind his back some respectable gentlemen addressed the hon. and gallant Member's "right hon. relative," and that "right hon. relative" dismissed the Governor, without inquiry, and without once saying what the charge was; for "my right hon. relative" had the faculty of mystifying everything he touched, and covering his meaning with a multitude of sentences, and wrapping it in a mass of involuted, and convoluted, and involved phraseology. What was the charge? No one knew. Nothing was so easy, in public or in private, as to put forward dark and mysterious statements against a man, not venturing to avow what you accuse him of. He (Mr. Roebuck) had to charge "my right hon. relative" with doing a dishonourable act in doing that. He had not the courage to make the accusation, though he did dismiss an honest man from the public employment. If he were a relation of Sir E. Wilmot, he would pursue "my right hon. relative" for the rest of his life. He deserved it. England required that those who represented her in all parts of the globe, should not thus be treated. He knew nothing of Sir E. Wilmot, except as a Member of that House, and spoke of him simply as a Governor sent out to manage a distant colony; and he wanted to press for something like responsibility in the colonial administration. What said the hon. and gallant Captain? "If you only knew what the accusations were, and the gentlemen who made them, you would feel and own the difficulty of the position of my right hon. relative." [Captain Gladstone: I said nothing about the accusations; I said merely, "If you were aware who were the parties that made the accusations."] Why, it must be assumed that the accusation was a grave one, or else the right hon. Secretary had no business to dismiss Sir E. Wilmot. But why did not the House know who these parties were? Was there anything in the character of the Gentleman who lately held the seals of the Colonial Office to shield him at all? What business had he to dismiss a person on such an accusation? [An Hon. Member on one of the Opposition benches: He did not.] Then he dismissed him on no accusation. All that the hon. and gallant Member said was, "If you knew the names of the parties making the accusation, you would understand the feelings and the position of my right hon. relative." But what would be the feelings of the people of England? A Governor was performing his duty in his distant colony, when certain parties went to the Colonial Office, and made a calumnious and false accusation against him; and without further ado, or any open charge, or any chance given to him of defence, that gentleman was dismissed. So far the facts were agreed on. [An Hon. Member: No, no.] No! Why, he was dismissed upon that accusation. ["No, no!"] Then what was he dismissed for? The Secretary for the Colonies said, that he believed him incapable of governing the colony he was sent to, and that, having removed him in consequence of that inability, he could not recommend him to further official employment, because certain charges of immoral conduct were brought against him. But he (Mr. Roebuck) did not believe that version of the case; he believed it was wished to dismiss Sir E. Wilmot, and that those accusations were in the Colonial Office at the time of his dismissal. He charged that upon the late Secretary for the Colonies, and asserted that Sir E. Wilmot was not dismissed from inability to govern the colony, but was dismissed in consequence of those insinuations and calumnies which were uttered against him in the Colonial Office. Did the late Colonial Secretary want to get out of that? Let him give the House the accusations, with the dates thereof, and prove that they were subsequent to the dismissal. But he could not do that; and, not doing that, he (Mr. Roebuck) charged the late Colonial Secretary with dismissing Sir E. Wilmot on a pretence that he was unequal to the performance of his office; whereas it was his own prudish feelings, his own notion of what was acceptable to what he called the moral feeling of the people of England, that led to the dismissal, under the plea that he was unfit for his office; and then, having been pushed out, he was told, "Oh! there are reasons; I could, if I would, suggest reasons for your dismissal." He charged that upon the late Colonial Secretary, and all persons connected with him; and they could only get out of it by giving the accusation, with the dates; never mind the names. But, if the dates were honestly given, the date of the accusation, which had been proved to be a calumny, would be found to precede the dismissal. Why did he (Mr. Roebuck) dwell upon this? He had no particular feeling for Sir E. Wilmot, except as a gentleman who went out to administer a colonial government; and anybody who saw anything of the mode in which our colonial administration was mismanaged by Lord Stanley and Mr. Gladstone must be heartily anxious that neither of them should ever meddle with it again. No sooner did they stretch forth their hand to anything connected with it, than mischief immediately followed, and every direful consequence of mischievous interference resulting from ignorance or presumption. Our colonial empire extended all over the globe; and in every part of the globe we could see ignorance leading the way, audacity following—audacity only equalled by ignorance—and mischief the consequence of both. He sympathized with the family of the gentleman who had unfortunately fallen a victim—but not a solitary victim; there were hundreds now pining away, the victims of our colonial misrule. Sir E. Wilmot was noticed because he happened to occupy a high station. He pointed his finger at the case, as illustrating the mischief of an irresponsible Colonial Administration.

MR. G. W. HOPE had no intention to go into the general discussion; but the hon. and learned Gentleman (Mr. Roebuck) had made statements relative to the grounds of the recall of Sir E. Wilmot, which that hon. and learned Gentleman could not have made if he had been in the House during the whole of this discussion. He honestly believed that the public grounds specified were sufficient to justify that recall, and they were wholly irrespective of the charge with regard to his moral character. The hon. and learned Member really could not have read the papers without seeing that the recall was wholly irrespective of any charges against Sir E. Wilmot's private character, and that it proceeded only upon public grounds—grounds which were reviewed by Earl Grey, and held to be sufficient. [Mr. ROEBUCK: What are the dates?] He was ignorant of the dates. Sir E. Wilmot was recalled upon sufficient public grounds; and those grounds had been reviewed by a separate independent authority. [Mr. ROEBUCK: That is not sufficient.] Why, Earl Grey had no prejudice in favour of Mr. Gladstone; Earl Grey reviewed the grounds, and his statement was—"I consider the public grounds sufficient; I do not know what are the private grounds upon which you are accused." He was not at the Colonial Office at the time in question, but must say that he believed Mr. Gladstone wrote his letter in a spirit of fairness. Statements had been made to Mr. Gladstone; and that right hon. Gentleman considered it due to Sir E. Wilmot, that though his recall had not turned upon them, they should be made known to him, that he might have an opportunity of refuting those calumnies, as they had turned out to be. He honestly believed it was done in a spirit of perfect fairness and perfect justice.

MR. B. ESCOTT considered the really important question to be that which had been introduced by the hon. and learned Member for Bath, and which the hon. Member who had just sat down had declined to notice, contenting himself with a denial of the imputed cause of dismissal. He must distinctly charge Mr. Gladstone with having dismissed Sir E. Wilmot on the ground referred to in that secret despatch. The papers themselves showed it. The hon. Member (Mr. Hope) said he could not give dates, and, so far as he was concerned, had left the House ignorant as to when the intelligence first reached Mr. Gladstone; but the despatch itself dismissing Sir E. Wilmot gave a date. It was dated April 30, 1846; and the private despatch referring to the anonymous calumny bore the same date. Did the hon. Member mean to say that those accusations were not received before the 30th, when Mr. Gladstone sat down to write his despatch? Of course he had seen them, and thought of them before that. His own letter proved it. There was one part of the case which he wished the Under Secretary of the Colonies had not passed over so cavalierly. The question which arose was, whether the colonies were in future to be governed on the principles laid down in this secret despatch? A department of the Government was found to listen to anonymous accusations. If the defence of Mr. Gladstone was an honest one, why were not the names of his informants given? Had not the House of Commons a right to know what was the authority which had led Mr. Gladstone to entertain charges against an honest man who had been hunted to death? The men who misled Mr. Gladstone could have done no harm unless Mr. Gladstone had adopted their statements. The noble Lord the First Lord of the Treasury, when Colonial Secretary, had stated that the colonies were to be governed by the recognised principles of justice in the mother country. Were the principles, then, stated in Mr. Gladstone's secret despatch to be the principles on which colonial government was in future to be conducted?

SIR W. JAMES would not allow such language to be used in reference to his right hon. Friend (Mr. Gladstone), as had been employed by the hon. and learned Members for Bath and Winchester. They had spoken of his right hon. Friend's conduct as dishonest and calumnious; but he would assert that his right hon. Friend had given ample reasons for Sir E. Wilmot's recall, in the fact that he was not sufficiently acquainted with the convict system, and that his management had not in consequence been successful. But in saying this, did he (Sir W. James) rely upon his own opinion alone? No; there was the opinion of the present Secretary of State for the Colonies—an opinion which stood high with many Members of the House; and it was, that Mr. Gladstone had ample grounds for the recall of Sir E. Wilmot. The hon. Member for Birmingham, in stating the case, had very properly and discreetly mentioned that the recall had taken place on public grounds, and that the charges preferred against Sir E. Wilmot's private character had nothing to do with it; and yet the two hon. and learned Gentlemen the Members for Bath and Winchester came forward at the eleventh hour, and asserted that Sir E. Wilmot had been dismissed for private reasons alone, and founded upon that assertion grave charges against Mr. Gladstone, who was not present to answer for himself. Such assertions, however, were altogether untenable, and were contradicted by the statements of the late Premier, and his Colleague the Secretary for the Home Department.

Mr. M. MILNES hoped he should not allow his friendship for Mr. Gladstone to qualify his opinion; and, looking impartially at his conduct, he did think that his hon. and learned Friends the Members for Bath and Winchester had attributed to his right hon. Friend motives which he believed had never actuated him, and sentiments which his right hon. Friend had never entertained. He believed that the motive in which the private and confidential letter—for it was private and confidential—originated, was simply to inform Sir E. Wilmot that there were rumours abroad regarding his character—that these rumours had come to England—and the probability was they would reach the Colonial Secretary and other Ministers in a still stronger shape; but if he succeeded in dispelling those rumours, there was no reason why he should not receive another appointment. The recall was solely on public grounds. That Sir E. Wilmot, excellent man as he may have been, should not be competent to deal with one of the most difficult propositions ever submitted to a Colonial Governor, namely, that of governing a penal colony in a time of transition from one system to another, was no great slur on his character, either as a man or as a governor. He believed that Mr. Gladstone thought Sir E. Wilmot was not competent to discharge the difficult duties which devolved upon him; and it was solely for that reason that the right hon. Gentleman resolved to recall him. Then came the rumours; and he begged to inform the House that these rumours were not confined to the ear of the Colonial Secretary, but prevailed in private society in this country; and certainly it was most important for Sir E. Wilmot that they should be negatived, and it was an act of kindness in Mr. Gladstone to that gentleman to give him an opportunity of accomplishing that object. Had Mr. Gladstone confined himself to the public question alone, what would have been the condition of Sir E. Wilmot? He would have been deemed incompetent to remain in the governorship of the colony, and, in addition, the rumours which had reached this country against him would have continued; and had he reached this country in ignorance of their existence, he would have been deprived of the means of negativing them. It was to Mr. Gladstone, then, that Sir E. Wilmot was indebted for the opportunity of making his defence, and of setting his character right with the public. Those persons knew little of Mr. Gladstone who imagined that in discharging an unpleasant public duty he was capable of doing anything calculated unnecessarily to wound the feelings of the individual. He believed he had Mr. Gladstone's authority for saying that it was his intention, had he remained a Colonial Minister, and if Sir E. Wilmot had cleared himself, to have appointed him to some other situation. There was no doubt that had Sir E. Wilmot lived, and had Mr. Gladstone continued in office, he would have been placed in a position better fitted to his peculiar talents, and that he would have had reason to look with satisfaction, rather than with regret, upon what had occurred. He felt, with the hon. and learned Member for Winchester, that the public offices should not be made the depositories of calumnies of the kind in question. He did feel how necessary it was for Ministers of State to check at the outset such calumnies, and such injurious reflections upon the private character of individuals as might result in depriving this country of the services of some of its best officers. It was very possible, nay, very probable, that many very competent men might not be precisely the most guarded and careful in their habits of life, and that it might be very possible to trump up cases of calumny against men who in distant parts were performing the most difficult duties in the most creditable manner. He thought that what had occurred in the case now under consideration should teach the Colonial Office caution as to how they ventured to deprive the country of the services of really active and useful men, because of objections stated to their private character by some individual, actuated perhaps by a desire to see those places filled by persons more congenial to their dispositions. He trusted the Colonial Office would take a lesson from what had occurred, and that the friends of Sir E. Wilmot would really believe that Mr. Gladstone had acted from the most noble and the most generous motives.

SIR R. H. INGLIS regretted the turn which the debate had taken during the past hour. The discussion commenced more in sorrow than in anger. His hon. Friend the Member for Birmingham deprecated in the opening speech all reference to the public grounds upon which Sir E. Wilmot was recalled, nor did he raise that question at all. His object was to defend the private character of Sir E. Wilmot from the attack made upon it in a secret despatch of the same date as the public one. The defence made by his hon. Friend was complete; and certainly the more so when followed, as it had been, by the late Prime Minister and the late Secretary for the Home Department, and by others who had borne equally strong testimony to the validity of the defence which the accused party had made, and who had expressed such deep sympathy with the family of the deceased. He could not but hope that the discussion would now come to a close, and that the House would enter upon the other important business which awaited consideration.

Subject at an end.

REGISTERING BIRTHS, &c. (SCOTLAND) BILL.

On the Order of the Day for the House going into Committee on the Registering of Births (Scotland) Bill,

The LORD ADVOCATE said, that although the debate just closed had occupied some time longer than was anticipated, he did not regret having given way to the hon. Member for Birmingham, who had so ably vindicated the character of a deceased Member of that House. He rose now with reluctance when he considered that the Motion he had to propose was that the House resolve itself into a Committee that day three months, and that, consequently, the debate could not lead to any direct practical result. But as he had not yet had any opportunity of calling the attention of the House to measures of great importance to Scotland, and as the state of the public business had prevented him from explaining the grounds upon which he introduced these Bills, or which induced him to adopt the present course, he trusted the House would, for a short time, extend to him its indulgence. The first of these measures had for its object to establish in Scotland a proper system of registration of births, deaths, and marriages. The importance of such a measure was a matter upon which it was unnecessary for him to say a single word. As furnishing statistic information of the greatest value, its importance could not be doubted; and as regarded the interests of individuals and families, it was equally great. It was with this view, and bearing in mind the utility of such a system in a public and private sense (although the Bill had met considerable opposition in Scotland), that he wished to introduce a complete system of registration of births, deaths, and marriages. In considering the course to be taken upon the introduction of such a measure, it was impossible to overlook the circumstance that for ten years a system of registration had been carried on in this country. To the working of that system he had turned his attention, and had availed himself of the experience gained through its operation, in order to apply it to Scotland with greater effect. He proposed to have a head department in Edinburgh, under the charge of a registrar general, where the most important registers should be kept, and where parties seeking information might consult them, and obtain cheap and authentic certificates. Connected with this, he proposed following the system in England, that there should be districts, placed under superintending registrars, and sub-districts, in which the registration should be effected by the local registrars. The districts would consist of counties, and of some large towns: the sub-districts, of divisions of those, consisting, in most instances, of parishes, according as the convenience of registration might require. In all this he followed the English system; but with some advantages, because he proposed to make the sheriffs' clerks the superintending registrars—persons fully qualified for the discharge of that duty, and who were already provided with offices proper for the custody of important papers—by which there would be a considerable saving of expense. This brought him to the question of expense—the most important, perhaps, of all—and in which originated the opposition to the Bill. On that subject he necessarily conferred with his right hon. Friend the Chancellor of the Exchequer, who had said, "I will do for Scotland what has been done for England. Part of the expense of the system —that portion which in England is borne out of the Consolidated Fund—shall be so defrayed in Scotland; but I will not go further, for I cannot authorize payments out of the Treasury for Scotland which in England are not borne by the Treasury, but by local taxation." That answer, he much feared, was conclusive. However anxious he was to lighten the burdens of the people of Scotland, he owned that, whether as connected with Government or as a Member of Parliament, he did not see that his right hon. Friend could have done more. But he knew he was not to be moved on that point. The portion of the expenses paid in England out of the public treasury were the expenses of the central department—the important item of stationery, and the payment of the superintendent registrars. With respect to marriages in the sub-districts, as the expense of registering a marriage was paid by the contracting parties, no portion would have to be paid by the Treasury or by local taxation, and thus they were brought to the only part of the expense to be raised by local taxation, and that was the expense of registering, in the first instance, births and deaths. He wished again to observe, that this was the only expense to be provided for by local taxation—every other expense being paid out of the Treasury, or, in the case of marriage, by the parties—and it was because of the local taxation that the Bill had latterly been opposed. Now, before stating the manner in which he proposed to raise the funds necessary for registering births and deaths by taxation, in the manner of a parochial rate, or, in short, by assessment on the principle of the poor-rate, he would draw the attention of the House to the utmost amount of that taxation. The Registrar General of England reckoned on an average of years, from 1838 to 1846, that, for every thirty-one of the population, there was one birth, and that for every forty-five there was one death. He supposed it would not be a very extravagant assumption to imagine the average births and deaths bore in Scotland the same relative proportion to the whole population. Taking, therefore, that average, and assuming that the population in Scotland was 3,000,000, which was 400,000 more than appeared by the census of 1841, they would have most probably in the year, of births 96,700, and of deaths 66,600, making a total of 163,300 entries in the year. In each sub-district, for the first twenty entries there was to be paid 2*s.* 6*d.* The further entries were to be charged at 1*s.* Then, assuming the number of parishes or sub-districts to be 900, there would be 18,000 entries at 2*s.* 6*d.* each, and requiring 2,250*l.* The other entries, at 1*s.* each, would require about 7,260*l.*; and the total expense of registration amounted to the sum of 9,500*l.* If they took the population as it appeared in the census of 1841, they would find that the total expense would not exceed 8,500*l.* Now, if they took another view of the question and referred to parishes, they would find there were 268 parishes out of 900 in which the population was under 1,000, and the average population of which was 711. The expense of registering the probable number of births and deaths in those 268 parishes could not exceed 3*l.* 10*s.* for each parish per year. Upon the same principle, in 275 other parishes in which the population varied from 1,000 to 2,000, and the average of the population might be taken at 1,818, the whole expense of registering only amounted to 6*l.* 10*s.* per annum. Those two numbers, viz., 268 and 275, exhausted one-half of the parishes in Scotland. Going a step higher, he took 217 parishes in which the population varied from 2,000 to 4,000, and where the average was 2,764, and he found the expense of registering would amount to a sum not exceeding 9*l.* 10*s.* per annum. The local taxation for the purpose of registering would of course be higher in large towns and populous places; but he had shown that, in 760 parishes, containing one-half of the entire population of Scotland, the expense was as low as

3*l.* 10*s.* to 6*l.* 10*s.* and 9*l.* 10*s.* per annum. The question then arose, "How is the money to be raised?" He could not get it from the Consolidated Fund, neither could he get it from the Treasury. If he had proposed to raise it by a tax upon landed property, the landlords would have said, "It is a great hardship upon us: why should personal property be exempted?" But if he put it upon personal property, he appealed to hon. Gentlemen connected with Scotland whether there was any other mode of assessment, except that provided for the poor rate, by which personal property could be charged. He would not object, if the landed proprietors preferred that course, to lay the whole burden on them; but if they objected, it appeared to him, under the circumstances, most legitimate that the tax should take the shape of a parochial rate: 1st, because the poor could not afford to register themselves; 2ndly, because the registration was for the service of the poor law, as the registers would give the most important evidence on questions of settlement; and, 3rdly, because, finding the machinery already in operation for the collection of the poor rate, it appeared to him that he followed the best, the cheapest, the most convenient, and the fairest course when he assimilated the system to that pursued in England, and made the rate a parochial one. He should have been exceedingly glad to have received suggestions with respect to any other kind of assessment, but none were made to him; and he found himself fortunate in having already the model of a cheap and easy assessment for so small a purpose. The objections of those who considered the system open to exceptions, on the ground that it would occasion confusion, would be easily overcome by the providing that separate and distinct accounts should be kept of the moneys so collected and applied. He had asked those who objected to the measure, "What better mode of assessment can be devised?" He had said, "Do you really mean to say that, not being able to propose a better mode of assessment—hopeless of relief from the Treasury—do you mean to say we are to have no registration in Scotland, because you will not consent to raise this small sum by means of a parochial rate?" To this direct appeal he could get no satisfactory answer. It was said, indeed, that any additional burden on the poor rate would make it more unpopular than it was. The reply was, do not put it on the rate. Only levy the expense on the principle of a parochial rate, and by the same collectors, though for the separate purpose. In deciding who should be qualified to become district registrars, he had at first excluded schoolmasters; but he had not done so from any desire not to encourage that most meritorious class of the community, but solely from the belief that their multifarious duties would not permit them to discharge the duty. Those persons had too many duties to perform already; and by a return furnished to him, he found that in 800 parishes there were belonging to the profession 706 session-clerks, and 423 inspectors of the poor, obliged, in the discharge of their duty, to walk through the entire parish. He also found that a great number of them discharged various duties independently of those connected with their profession as teachers; and his attention had been directed to one case in which the schoolmaster was session-clerk, inspector of the poor, collector of poor rates, clerk of heritors, and holder in all of no less than seven offices, besides that of schoolmaster. It was said that there were registers kept in Scotland; so also there were in England previous to the Registration Act; but that was no reason why a more efficient system should not be established; and he proposed to do what had been done in England, to leave all those registers as they were. It would be found impossible to use them with advantage for the establishment of a general register in Scotland more than in England. Then, for the other measure before the House, it was impossible for any person acquainted with the law of Scotland not to see the facilities which a system of registration would afford for amending the law of marriage, as regarded its constitution. The law of Scotland required nothing but the consent of the parties to constitute a marriage. The requisite age was 14 in males, and 12 in females. There was no need of the consent of parents or guardians, nor the least necessity for the intervention of the ministers of religion. But what was still more important was, that, even as respected consent, there was no fixed rule of evidence. It might be proved by parol evidence, by writing, or even by circumstances. The law was right in principle when it made the constitution of marriage depend on consent. But in requiring no special form of interchanging such consent—in admitting it to be proved in modes much more loose and vague than those allowed in any other contract, it gave room to the most serious and scandalous abuses; and courts of law were every day obliged to decide in circumstances of such difficulty, and upon proof so equivocal, that it was not too much to say that a party might find himself married against his will by the sentence of a court. Then the law requiring no public ceremony—no public acknowledgment — contenting itself with latent consent—gave the most fatal encouragement to clandestine marriages—all the more dangerous that such marriages, though concealed from all the world, though known only to the parties, were as obligatory as the most formal marriages made in *facie ecclesiæ.* Nor could either party, by silence, or by allowing the other party to contract without objection a second marriage, bar himself or herself from asserting their *status,* and setting up the first, though to the annulment of the second. Any other doctrine would give occasion to voluntary divorce. The evils arising from this uncertainty in the mode of contracting marriage, and from the obligatory nature of the contract, though kept altogether latent—could not be exaggerated, and was of daily experience. To show this, he would advert to one or two cases by way of illustration. The first was one of great importance, and had given rise to one of the ablest judgments that had ever been delivered by one of the most distinguished Judges on the English bench, the late Sir W. Grant. A gentleman, who was afterwards of high title and princely estate, contracted marriage, by writing, with a lady in Scotland, in 1802 or 1803 —the only contract was an interchange of writings; and the marriage was kept strictly private—known only to the parties themselves. The gentleman subsequently came to England; and in 1808—being a man in that respect of no honour, and thinking perhaps that the evidence of his marriage had been lost, whereas it had been carefully preserved—paid his addresses to a lady belonging to one of the first families in England, and was accepted and married; but the lady was not married a year when the marriage was annulled at the suit of the lady who was the consenting party to the first marriage. Fortunately there was no issue of the second marriage; but the English lady was reduced to a state of distress and degradation, if there could be degradation where there was no moral guilt, by discovering that she married the husband of another living wife. The second case was that of a gentleman, who had lived for many years in concubinage with one of his domestic servants, and had several children by her. One day he called up all his servants, and this woman and her children, and without any religious ceremony, said, in the presence of his household, "I acknowledge this woman to be my wife, and these to be my children." It was not proved that she made any similar declaration; but she did not dissent from it. He then left the room, went about his grounds, gave some directions to his overseer, returned to his own room, and shot himself dead. Various questions arose —first, as to the sanity of the man, and it was proved that he was perfectly sane; next, as to the validity of the marriage, which turned upon whether it was his intention to marry the woman, or only to leave her a widow, and entitle his children to his estate, to the disherison of those who would otherwise have been entitled to it. The question was closely argued, but ultimately the House of Lords decided the marriage to be good, and his child now possessed the estates, which were worth upwards of 20,000*l.* a year. He could cite many other instances, but he thought these were enough to prove that the law of Scotland on this subject was most disgraceful, and without a parallel in the civilized world. In another case, a party had been married in the presence of a clergyman, who pronounced the nuptial benediction; but the validity of the marriage was challenged, on the ground that the parties never intended to be married. The want of intention was not proved either precedently or contemporaneously; but the marriage was declared by the House of Lords to be invalid, not from any circumstances preceding the marriage, or contemporaneous, but solely upon inferences drawn from the conduct of the parties subsequent to the ceremony. He would now call attention to the statute law. By an Act passed in 1661, and another in 1695, clergymen were prevented, under pains and penalties, from celebrating marriage. Under these Acts the Episcopal clergy first assailed the Presbyterian clergy; the latter, when they got the upper hand, used the Acts against the Episcopalian and Roman Catholic clergy. These last, with the exception of an Act passed in favour of the Episcopal clergy, continued subject to these disabilities down to 1833 or 1834, when an Act was passed allowing clergymen of all persuasions to celebrate marriage, only there must be a proclamation of the banns. In Scotland, however, the proclamation of the banns is read by the session-clerk in an inaudible voice, before the service begins, and when very few persons are present to hear them, and all this not on three consecutive Sundays, but on the same day; and it often happened that the banns were proclaimed in a church not attended by the parties, or their friends, or acquaintances. If, however, the session clerk gave a certificate that the banns were duly proclaimed, you can make no further inquiry. It was said that the statute law discouraged all marriages not made in presence of a clergyman, and countenanced those only where a religious ceremony was performed. But how stood the fact? If you do not resort to the clergyman —if you leave him entirely out, and make a simple declaration before witnesses, you are subject to no pains and penalties; but if you should resort to a clergyman, or employ a religious ceremony—if you read at your marriage the ritual of the Church of England or the Church of Rome—if you go through any form of celebrating a marriage—but have not got your proclamation of banns, the celebrator of that marriage, though unquestionably a clergyman, is liable to a prosecution. The only chance of a prosecution in the matter was, when a religious ceremony was used; if the marriage was without religious ceremony, the statute law of Scotland imposed no penalty. Now, in the Bill before the House, he did not propose to affect any marriage celebrated in a place of worship. He was quite content that the clergy of the Church of Scotland, Roman Catholics, and all Dissenters, should celebrate marriages as they had been heretofore accustomed. But the Bill required that when the parties did not choose to be married by a clergyman, they should be married before the registrar; and where the marriage was to be so contracted, provision was made for much greater publicity than was or could be obtained by proclamation of banns. Leaving out of question the marriages contracted by Quakers and Jews, which stood upon grounds of their own, he reduced the forms of marriage to be used in Scotland to two—viz., marriage by clergymen, and marriage before the registrar. It had been said that he proposed to make marriages valid only for a certain time, and that their validity should depend upon registration previous to a certain period. He proposed nothing so absurd—his proposal was, that the marriages to be celebrated, either by a clergyman or by the registrar, should be accompanied by certain forms; and when those forms were complied with, the marriage was legal and binding. The forms to be gone through in the case of marriages before the registrar, he had made very stringent; great preliminary publicity was required; and the marriage was contracted by the parties signing on the register a declaration of their marriage—such a declaration, by the law of Scotland as it now stood, constituted marriage; but if that rendered such a form of marriage less acceptable to the people of Scotland—if they would prefer the ceremony to be performed by a clergyman, because such a marriage was less public, he did not regret that parties should be so compelled to have recourse to the church, and even thought that some good would be accomplished. He was sorry that, from the manner in which the objects of the Bills had been misrepresented, he had found it necessary to enter at such length into the subject, because his intention was then to move that the two Bills be committed on that day three months. The reason why he had come to this conclusion was not so much pressure of other business, or the late period of the Session, still less was it the force of the objections which had been made against the measure; but because he believed there was a strong opinion throughout the whole of Scotland in favour of delay. He should employ the interval between the present time and the assembling of next Parliament in fully considering such of the objections as were worthy of attention, though he should not bestow a thought on some he had lately heard, which savoured more of ignorance and bigotry than of a fair consideration founded on a desire for the amendment of the law. The right hon. Gentleman concluded by moving, that the Bill be committed that day three months.

Mr. FORBES said, however unreasonable the Members from Scotland might appear in the eyes of the learned Lord, it was to be borne in mind that they faithfully represented the opinions of the people of that country. The learned Lord might think the people very bigoted since they had had those Bills under their consideration for four or five months, and yet they were universally opposed to them, both clergy and laity. It was to be borne in mind that the Marriage Bill for England was not introduced for statistical purposes—it was avowedly brought in to satisfy the scruples entertained by certain Dissenters to being compelled to be married in the Church; and it was introduced and passed with the assent of the English people. If the Bills on the Table had been proceeded with, they must have been forced down the throats of the people of Scotland. The people of Scotland ought to object to the Bill, because it would be an almost insuperable bar to the marriage of the poor man; and, moreover, because it contained many harsh and ineffectual provisions. These were some of the grounds upon which the Scotch people had petitioned against the Bill, and, in his opinion, should continue to oppose it.

Motion agreed to.

Committee put off for three months.

House adjourned at half-past Twelve.

HOUSE OF LORDS,

Tuesday, June 8, 1847.

MINUTES.] PUBLIC BILLS.—1ª Trust Money Investment (Ireland); Juvenile Offenders; Burgh Police (Scotland); Turnpike Acts Continuance; Bishopric of Manchester, &c.; Master in Chancery.

2ª Lunatic Asylums (Ireland); Turnpike Roads (Ireland). *Reported.*—Representative Peers (Scotland).

3ª and passed:—Lunatic Asylums; Poor Removal (England and Scotland); Towns Improvement Clauses.

Received the Royal Assent.—Factories; Naval Service of Boys; County Buildings; Poor Relief (Ireland); Landed Property (Ireland).

PETITIONS PRESENTED. From Halifax, and other places, for the Enactment of Sanitary Regulations.

ELECTIONS—IRELAND.

The EARL of ST. GERMANS observed, that it was generally understood the days of the present Parliament were numbered, and that a general election would very shortly take place. Their Lordships were aware that under the existing law, the poll at elections in Ireland might be kept open for five days. This he considered was a great evil. In ordinary times, and under ordinary circumstances, the arrangement occasioned great expense to the candidates, and tended to the disturbance of the public peace; and, if this were the case under ordinary circumstances, he asked, what might be expected to be the state of things at a period like the present, when disease and famine were prevalent in almost every part of Ireland? He would not call upon the Government to introduce any measure relating to the franchise; but he would ask, whether, under existing circumstances, it might not be possible to introduce a measure for assimilating the law of Ireland with regard to polls at elections, at least to a certain extent, to the law of England. So far as he had had an opportunity of ascertaining, there was a general concurrence of opinion in Ireland in favour of such a measure; and he thought it most desirable that power should be given to the Lord Lieutenant to fix the number of days to be allowed for polling in each county; the period to be regulated by the size of the county.

The MARQUESS of LANSDOWNE agreed with the noble Earl as to the importance of shortening the duration of polls in Ireland, and thought it was desirable that the law of that country in this respect should be placed on the same footing as the law of England. The attention of the Government had been turned to the matter, and they were most desirous to accomplish this object; but it was not proposed at present to introduce any measure on the subject, because it was deemed advisable that it should be considered with reference to another most difficult matter—the question of the franchise.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 8, 1847.

MINUTES.] PETITIONS PRESENTED. By Lord G. Bentinck, from Yorkshire, for Inquiry respecting the Anatomy Act.—From Charles Puttick, of East Preston, Sussex, for Alteration of the Game Laws.—By Sir W. Molesworth, from East Brixton, Surrey, for Inquiry respecting the Small Debts Act.—By Mr. S. O'Brien, from Farmers and Graziers of several Counties, against the Removal of Smithfield Market.

RAILWAY ACCIDENTS.

MR. GISBORNE wished to ask his hon. Friend the Chief Commissioner of Railways a question of some public interest, connected with the new class of railway accidents which had been attended with such loss of life. The necessity of making the inquiry he was about to propose, had been suggested to him by reading an opinion stated by the *Times* to have been expressed by Mr. Locke, the eminent engineer, with respect to the falling of the Dee bridge. In the report of the proceedings at the inquest on the bodies of the sufferers by that unfortunate accident, as published in the journal in question, the following passage occurred:—

> "Mr. Locke, engineer of the Grand Junction Line, corroborated Mr. Stephenson's testimony. He said the bridge did not fall from any pressure downwards, but from a side blow; this the exa-

mination of the fragments proved to him; he considered all manner of iron bridges objectionable, when brick and stone bridges could be had—as was the case—cheaper and better. 'Mr. Coroner and gentlemen of the jury,' said Mr. Locke, 'I believe that much blame lies at the doors of the Commissioners of the Admiralty, the Board of Trade, and the Commissioners of Railways, who require bridges built with too large a span, to answer their views as to shipping and other matters, without at all consulting the interest or safety of the public. I wish this to go forth to the world. I wrote a letter to the Government on the subject, and am sorry to say it was not attended to.'"

Before putting a question on the subject in that House, he felt it to be his duty to refer to Mr. Locke himself (than whom there was no gentleman of greater distinction in his profession), to know if the words attributed to him in the newspaper report were the exact expressions which he had used on the occasion in question. Mr. Locke at once told him what he had stated at the inquest, and he (Mr. Gisborne) took a note of his expressions, which he would read to the House. What his friend had stated was to the following effect:—

> "That the Admiralty and Board of Trade were disposed in many cases to attend more to the requirements of water-way and navigation, than to the safety of the public; and very unnecessarily placed on engineers the necessity of covering a width of space which could not be made entirely safe. That Mr. Stephenson, Mr. Brunel, and himself, addressed a joint letter to Lord Dalhousie, embodying this opinion, and that they never received any reply."

Mr. Locke further added, that that opinion he was prepared to adhere to before any Select Committee or before any court of law. He (Mr. Gisborne) felt it to be his duty to give his hon. Friend the Chief Commissioner of Railways an opportunity for affording some explanation on the matter.

MR. STRUTT was obliged to his hon. Friend for putting the question, as his doing so afforded the opportunity for correcting a misapprehension to which an error in the newspaper report was calculated to give colour. As Mr. Locke's statement at first appeared, it conveyed a serious charge against three departments of the public service—the Board of Trade, the Board of Admiralty, and the Railway Board — namely, that they had caused bridges to be erected of an unnecessarily wide span, dangerous to the safety of the public. So far as the Commissioners of Railways were concerned, he begged to assure the House that on no occasion whatsoever had they interfered to cause bridges to be built of any span that could be productive of the slightest danger to the public. And so far from any remonstrance having been addressed to them by Mr. Locke, he begged to say that the Board had not received any communication whatsoever, whether by way of complaint, remonstrance, or representation, either from that gentleman or from any other quarter whatever on the subject referred to. This showed that there was no foundation whatsoever for the statement inaccurately reported in the newspapers, so far, at least, as that statement could be supposed to affect the present Board. But he had not stopped there. He had examined into the Minutes of the proceedings of the Railway Department of the Board of Trade, to see if there were any mention of such communications. He found a letter addressed on the subject of bridges to Lord Dalhousie by Mr. Locke and certain other engineers. Into the subject of that letter it was not necessary that he should just then enter; but this he would say, that it did not relate to the conduct of the Railway Department of the Board of Trade, nor to that of the Admiralty Board, or of any other department whatsoever of the public service. It had exclusive reference to a clause proposed to be introduced into the Railway Clauses Consolidation Act, and merely went to suggest an amendment in that Act. It had no relation whatever to the conduct of any public board, and solely referred to bridges not across rivers but across dry roads. With respect to the Board of Admiralty they had most useful functions to perform for the preservation of the lives of the public, in taking care that the regulations in reference to navigation were properly carried out. His hon. Friend the Secretary for the Board of Admiralty was in his place on Monday evening in the expectation that this question would be asked, in order that he might reply to it, so far as it concerned his department. If the hon. Member for Nottingham desired further information from the Admiralty, perhaps it would be as well that he should repeat his question when the hon. Gentleman the Secretary for the Admiralty was present.

SIR GEORGE CLERK was in a position to corroborate the statement which had been made by the Chief Commissioner of Railways. No instance had ever come before the Railway Department of the Board of Trade, so long as he was connected with that department, in which they had insisted on bridges being constructed in any manner of which an engineer could disapprove. With respect to the letter which had been addressed to Lord Dalhousie, it did not refer to bridges over water, but simply to bridges over roads. As for the Board of Admiralty, all they had to do was to see that the free navigation of rivers was not interfered with by railways or otherwise. It was for the engineers to decide whether, to prevent any such interference, bridges could be made of such strength and dimensions as to secure the safety of the public. On them alone rested the responsibility. He protested against their shifting it on any public departments. They alone were the responsible parties. If they did not think that the bridges could be constructed in such a manner as to ensure public safety, why did they not say so at once, and decline undertaking the task of erecting them?

Mr. GISBORNE had not intended to guarantee any statements whatsoever. He merely observed that a paragraph, conveying an imputation against three public boards, appeared in the *Times*, and he felt it to be his duty to afford to the authorities of those departments an opportunity for explanation.

SALE OF BREAD.

Mr. BANKES wished to put a question to the noble Lord the First Lord of the Treasury. Referring to a petition he held in his hand of considerable importance, but which he had not as yet had the opportunity of presenting—in consequence of the nature of the private business it had now, in fact, become an impossibility to present public petitions at all—the question he had to put was, whether the Government had taken the subject of the sale of bread into consideration, and whether they proposed to review the laws relating to the weight of bread? During the many fluctuations which had taken place during the last ten months in the prices of corn, the public had been very great sufferers from the absence of a proper control over the weight and price of bread. The bread never followed the prices of corn, and it was the prayer of the petition to which he referred, that, if they were to have cheap corn, they might have cheap bread also.

Lord J. RUSSELL: I thought the hon. Gentleman meant to make some inquiry with respect to an Act which once passed this House, and enacted that the sale of bread should not be permitted till a certain time after it is baked. The subject has been under the consideration of the Government, but we do not think it practicable to enforce such an Act. I am convinced that very great waste takes place from the consumption of new bread before a certain number of hours have elapsed after it has been baked. But we do not think it desirable to introduce any Bill which it would not be practicable to enforce. The hon. Gentleman asks whether the Government intend to propose an assize of bread; we do not mean to introduce any measure on that subject.

CASE OF SIR E. WILMOT.

Mr. HORSMAN said, the House would recollect a very remarkable statement which was made in the House last night, as to two gentlemen holding high stations in Her Majesty's service. It was stated that these parties had made a statement to the Colonial Office regarding the absent Governor of Van Diemen's Land, on which statement he was suspended from public employment. It had been since discovered and admitted by all parties, that that statement was utterly unfounded. Now, it was mentioned on very high authority—the authority of a right hon. Gentleman, representing, he believed, his absent Colleague, who was formerly at the head of the Colonial Office—that two of the parties who made the statement held at this moment high official appointments in Van Diemen's Land, and that the other was in a position of the highest respectability. Now, he wished to ask the hon. Gentleman the Under Secretary for the Colonies, whether, the statement having been made not merely upon rumours, but in such a manner as to make it appear authentic and semi-official, Her Majesty's Government had ascertained the names of the public servants by whom the statement was made? Second, whether they had called for any explanation of their conduct? And third, whether, on the result of that explanation, if such was asked, would depend their continuance in the public service?

Mr. HAWES could only state, in answer, what he had stated to the House last night—that in the Colonial Office there was no official record whatever of any such statement as that which had been referred to, as bearing on the case of Sir E. Wilmot, and that it was not therefore in his power to institute any proceeding upon that statement. He had not the means of ascertaining what had occurred, as he was in entire ignorance of any official record on the subject.

Mr. B. ESCOTT wished to ask a question of the hon. Gentleman the Under Secretary for the Colonies, on the reply to which would depend whether or not he put a question to the right hon. Gentleman the Member for Dorchester. His question was, whether the Colonial Office was, in fact, in possession of the names of the three persons who gave the information on which the late Secretary for the Colonies had thought fit to act in his despatch of the 30th of April, 1846? If the hon. Gentleman did not answer this question, then he would put it to the right hon. Gentleman (Sir J. Graham).

Mr. HAWES could state no more than he had already done, that the Colonial Office had no official record whatever of the information which was given, or of the names of the parties who gave that information. He was, therefore, utterly unable to give the hon. Gentleman any other answer.

Mr. B. ESCOTT, seeing the hon. Gentleman had not given him an answer to his question, would ask the right hon. Gentleman opposite (Sir J. Graham) whether, after the statement he made last night, he thought it consistent with his duty to state to the House who those persons were who, holding high official situations in Her Majesty's service, gave the information to Mr. Gladstone, on which he acted in his secret despatch of the 30th of April, 1836; and if the right hon. Gentleman did not think it proper to give the names of those persons, perhaps he would state his reason for withholding them?

Sir J. GRAHAM would have been most happy to satisfy the laudable desire of his hon. Friend to have this information; but he was not in a position to give him the semi-official information which had already been alluded to by another hon. Gentleman. He was in that House only as a private Member of Parliament. Last night he stated to the House that Mr. Gladstone received the information on which he wrote the private letter to Sir E. Wilmot from three gentlemen—that one of them had been in the service of the Crown, but was not now in that service; and that on application to him he refused to allow any use of his name in the matter. He had further stated that the letters of Mr. Gladstone rested on the information of two gentlemen, one of them now occupying a high station in the colony, and the other a public servant. He was not prepared to give the names of either of those gentlemen; but he might state that the names of both of them had been communicated to the present Sir Eardley Wilmot. He did not think it consistent with his duty in these circumstances to mention the names of either of the parties. The hon. Gentleman had asked him, in the event of his declining to mention their names, to give his reasons for so doing. He did not consider that he was called upon to do so; but still he would comply with the request that had been made to him. He must say to the hon. Gentleman and the House, that he thought it would be most unjust towards these gentlemen, from whom perhaps Sir E. Wilmot asked an explanation, to leave them exposed for twelve months to the obloquy under which they would lie, on the presumption that they had given false information; when, though perhaps they might be able to give the information now required, they could not do so for a period of twelve months. That was the reason why he had come to the fixed determination that, being no longer charged with the official information connected with the subject, he could not make an announcement which might greatly prejudice those two gentlemen.

CASE OF MR. DREW.

Sir F. THESIGER trusted that in presenting the case of Mr. Drew to the House, it would be unnecessary for him to do more than state shortly and simply the circumstances, in order to induce them to come to the conclusion that Mr. Drew had great cause of complaint. Had this been merely the complaint of an individual who had been disappointed in his reasonable expectations of obtaining some office or employment, he should not have felt justified in introducing the subject at all; but when the complaint was taken in connexion with the strongest and most direct pledges given while a particular measure was in progress through that House, and which had the effect of disarming opposition, he did feel that the subject was one which assumed a very different complexion—that it was not the case of an individual, but one in which the whole House had the deepest interest. Mr. Drew was for upwards of thirty years a solicitor of high standing and reputation, carrying on an extensive business in Southwark. For upwards of twenty years he held the office of clerk to the commissioners of the court of requests, at a salary of 500*l.* a year, which office he held for life. The commissioners of the court of requests being generally unprofessional persons, Mr. Drew was their legal adviser on all points; and in any question which involved any law, he was virtually judge of the court. It was necessary to say that the experience of Mr. Drew made him familiarly acquainted with the machinery and operation of a court of this description. In 1844 an Act was passed for the amendment of the laws of insolvency and bankruptcy; and in that Act a clause was introduced empowering commissioners of courts of requests to appoint assessors with the sanction of the Secretary of State, there being a provision that the appointment should not entitle the party appointed to any compensation, supposing a general Act was passed for the recovery of small debts. The commissioners of the court of requests then presented a memorial to the Privy Council, praying to have their jurisdiction increased from sums of 5*l.* to 20*l.*; and in consequence of that memorial having been presented, they delayed to make any appointment of an assessor. Another Act was passed in 1845 which gave the courts presided over by assessors the power of committing fraudulent debtors; and, in 1846, complaint was made by the tradesmen within the jurisdiction of the court that they were unable to receive the advantage of that Act, from no assessor having been appointed. The commissioners, therefore, felt it to be their duty to attend to suggestions made to them on this point; and having had twenty years' experience of Mr. Drew in the capacity of clerk, they unanimously agreed to give the office of assessor to that gentleman. Now, the House would bear in mind that Mr. Drew was in this situation, that he held the office of clerk for life, with salary of 500*l.* a year; and that there was a clause which provided that the assessors should have no compensation if any general Act passed for the recovery of small debts. But it happened at that time that there was a Bill introduced into the House for this very purpose, and in that Bill there was a clause that the assessors of existing courts should be entitled to be the judges of the new courts to be appointed under the Act. Mr. Drew, therefore, feeling that he would not be giving up his certain situation for life for any uncertainty, and being perfectly satisfied that this clause would protect him from any injurious contingency, agreed to accept the office. The Government had changed during the time that elapsed between the appointment of Mr. Drew and the sanction of that appointment; but the right hon. Gentleman the present Secretary of State for the Home Department, on application being made to him, at once sanctioned Mr. Drew's appointment. The Bill, however, for the recovery of small debts, in its progress through the House, met with some alterations, and the clause which he had just mentioned was removed. This created considerable alarm in the minds of the commissioners of the court of requests and the friends of Mr. Drew; and a deputation was appointed to obtain information on the subject, and the assurance was given that Mr. Drew would be confirmed in his appointment as judge of the court to which he had been elected under the circumstances he had already mentioned. Now, that was perfectly correct; and he was now speaking in the presence of those who heard the distinct assurances that were given by the present Secretary for the Home Department, and by the Attorney General, that persons who were filling existing offices as judges of the abolished courts should have the preference in the appointments that were to be made in the new courts established under the Act. The hon. and learned Gentleman read extracts from the speeches of the Home Secretary and the Attorney General in August, 1846, in support of this statement. He would ask the House whether the friends of Mr. Drew, supposing there was no objection to his qualifications, were not entitled to expect that he would have been most unquestionably appointed to an office in the new court? The moment after the Act passed, therefore, Mr. Drew addressed a petition to the Lord Chancellor, setting forth his claims and the circumstances of his case, and praying that his Lordship would appoint him to one of the new courts. No answer was given to his memorial, and he knew nothing of the disappointment of his hopes until he received from Mr. Clive an intimation that he (Mr, Clive) was appointed. Mr. Clive had been for some years a police magistrate, the duties of which office he had fulfilled with great ability, and to the satisfaction of every one; but Mr. Clive had had no experience whatever in a court of this description, and he could not be put in comparison with Mr. Drew, who had had twenty years' experience. Mr. Clive, therefore, was taken from an office in which he had been employed usefully to the public, and put into an office for which he was not qualified, and the public were deprived of the services of a person well qualified for it. The commissioners of the court of requests, feeling that great injustice had been done, thought it right to appoint a deputation to wait upon the Lord Chancellor, and state Mr. Drewe's case. The Lord Chancellor, upon hearing that Mr. Drew had given up his office, said, "Why did he run the risk?" Did any one in the House re-echo that observation? Could Mr. Drew have supposed he ran any risk in trusting to the good faith of the Government? When pressed, the Lord Chancellor's observation was, "It is a very hard case;" and he asked whether Mr. Drew would like to fall back upon his original appointment of one of the joint clerks of the court? This suggestion of the Lord Chancellor was repeated by Mr. Clive in a letter to Mr. Drew, of the 14th of March, which led to a correspondence between them, and he would read to the House a letter from Mr. Drew, declining such an appointment. [The hon. and learned Gentleman read the letter, which stated that his friends concurred with him in thinking that he should not accept the offer, since it would be a retrogression in rank.] He (Sir F. Thesiger) remembered that, when his right hon. Friend, the head of the late Government, for the purpose of securing to the public the eminent judicial talents of the present Lord Chancellor, proposed that he should accept the office of one of the Vice-Chancellors, then recently appointed; the noble Lord now at the head of the Government laughed the proposition to scorn, as if he thought it absurd to suppose that the Lord Chancellor should condescend to accept an inferior judicial situation; and yet almost the very same sort of proposition emanated from that source. Nay, it was not that Mr. Drew should accept a lower judicial appointment, but that he should drop from the office of judge to become a clerk, to register the decrees of the judge. He would ask any Gentleman if Mr. Drew would not, in some degree, have compromised his character by consenting to accept the lower situation? It might be said, that there was a well-founded objection on the part of the Lord Chancellor to the appointment of Mr. Drew, as he was a solicitor; and the Lord Chancellor considered that only barristers ought to be appointed to the new judgeships. That observation would come rather too late. The claims of the judges of the old courts, whether barristers or attorneys, were before the House when the Bill passed, and the Act contained a clause which gave to the judges of the old local courts a prior right to appointments in the new courts. But, if he did not mistake, the Lord Chancellor had, in several instances, appointed attorneys to be judges of the new courts. If the Chancellor of the Exchequer had been present, he would have asked that right hon. Baronet whether Mr. Stanley, a solicitor, had not been appointed to the Halifax county court; and he would appeal to the hon. Member for Brighton whether Mr. Turner, a solicitor, had not been appointed judge of the Brighton court. After the pledge of the Government, given to Mr. Drew and all other persons similarly situated, no available objection could be made to his appointment to a judgeship, but that he was not qualified. Would it be said that the appointment of Mr. Drew to be assessor had been made so shortly before the Small Debts Act had passed, that he had no right to be appointed one of the judges of the new courts? He apprehended that Mr. Drew was as perfectly entitled as other judges under the pledge. Mr. Drew had, for the purpose of taking upon himself the office of assessor, given up the office he held from the commissioners, as well as his professional practice; and he wished to elicit some explanation of the reasons, which amounted to a justification, why he was not appointed to the judgeship. If no explanation was given, and no satisfactory reason was stated, why Mr. Drew was passed over, he confessed it would appear to him (Sir F. Thesiger) one of the most cruel cases, and one of the grossest acts of injustice, which ever came before the House. Under these circumstances, he moved—

> "That a Copy of a Letter from the Secretary of State for the Home Department, approving of the appointment of Mr. Drew to be the Assessor of the Southwark and Brixton Court of Requests, under the Act 8 and 9 Victoria, cap. 127, be laid upon the Table of the House."

SIR G. GREY had not the slightest objection to the document moved for being laid upon the Table. The hon. and learned Gentleman had stated circumstances from which the hon. and learned Gentleman wished the House to infer that great injustice had been done to Mr. Drew. Upon referring to Mr. Drew's petition he was surprised at the loose way in which it was worded. The petitioner stated that—

"In August, 1846, a Bill was pending in Parliament for the better recovery of small debts, in which provision was made that persons holding the appointment of assessor should be the first judges of the new courts; but such Bill was afterwards altered, and the clause confirming the assessors as the first judges of the new courts was omitted."

Then, in a subsequent part, he stated—

"That relying implicitly upon the arrangement proposed in the Small Debts' Bill, when first brought in, he resigned his office of clerk," &c.

The hon. and learned Gentleman's statement was in accordance with this petition, and proceeded upon the supposition that the Bill conferred an absolute right in the existing holders of the office of assessor to be appointed judges; and that Mr. Drew, being an existing holder of the office of assessor in the court of requests, was entitled to the appointment as judge; that a pledge, on the part of the Government was given, and that pledge had been forfeited. He would prove to the House that Mr. Drew had not a shadow of right under the Bill; that he was not the holder of an office respecting which the Bill conferred any such absolute right. By a clause in the Bill, the late Government provided against such claims as that set up by Mr. Drew. By the eighth clause, the qualification of assessor for the appointment of judge in the new courts was confined to those who held the office on the 1st day of June, expressly excluding those who did not hold the office on that day. By a subsequent clause, the Act gave power to the Government to fill up vacancies by barristers-at-law, commissioners of local courts, or persons holding the office of assessor on the 1st day of June. Mr. Drew was not a barrister, nor a commissioner, nor did he hold the office of assessor on the 1st day of June. [Sir F. THESIGER: The Bill was altered in Committee.] Mr. Drew acted on the faith of the Bill as it stood. The Bill was introduced by the Duke of Buccleuch on the 15th of June, 1846, when the right hon. Baronet (Sir R. Peel) was in office. On the 25th of June a circular issued from the Southwark Court of Requests for a general meeting on the 2nd of July, 1846, to appoint a fit person to fill the office of assessor; and this circular was signed "Meymott and Drew, clerks;" so that Mr. Drew was one of the clerks of the court at that time; and at the meeting so convened Mr. Drew was appointed assessor. Upon the 28th of July a memorial was addressed to him as Secretary of State, to confirm the appointment of assessor; and the hon. and learned Gentleman seemed to think that, by this confirmation, he had given Mr. Drew some right to a future appointment. But that was a mere Ministerial act; and Mr. Drew being, as he admitted, a gentleman of unexceptionable character, he confirmed the appointment. Mr. Drew had not been excluded from the judgeship because he was an attorney, or because he was disqualified for the appointment of a judge in the new courts; but Mr. Drew, either under the Bill as it was originally introduced, or by the Act as it subsequently passed, had no shadow of a claim to a prior right of appointment. But it had been said, that there had been a pledge given to the House that the holders of existing offices should be the judges in the new courts. He positively denied any such pledge. The Lord Chancellor had said in the other House, and he had said in this, that the Government thought it inexpedient that there should be any absolute right; that there should be an unfettered discretion in the Lord Chancellor to select proper persons to fill the judgeships; at the same time, where claims and qualifications were equal, the existing judges would be considered to have a prior claim; and, out of the sixty judges appointed, thirty-two had held the situation in the former courts. But Mr. Drew was not in such a position; he was not the holder of the office of assessor till July, and therefore he had not the shadow of a claim to a future appointment. It had been anticipated that he would have been objected to because he was an attorney; but that was not so. And when the hon. and learned Gentleman spoke of the experience of Mr. Drew qualifying him for the appointment, it was to be recollected that, when the alteration took place, he was assessor in a court (the court of requests) the jurisdiction of which was limited to *5l.*, whereas the new courts took cognizance of suits under *20l.*, the duties of which were consequently more onerous. Under these circumstances, he must say, that so far from the hon. and learned Gentleman having shown that any injustice had been done to Mr. Drew, he thought that he had been treated very kindly by Mr. Clive, in the offer which that gentleman made him to restore him to the office he had so long filled. Mr. Drew seemed to have acted under a very mistaken apprehension of the intention of the framers of the Bill; and certainly the question put by the Lord Chancellor with respect to the course that gentleman took was not a very inappropriate one—"Why did he run that risk?" The right hon. Gentleman concluded by saying, he had no objection to produce the letter moved for by the hon. and learned Gentleman.

Mr. GOULBURN considered the case of Mr. Drew to be one of peculiar hardship. The right hon. Gentleman had stated that it was clear Mr. Drew had no legitimate claim upon the Lord Chancellor to be appointed to be the judge of this new court. If that was true, let him ask, when Mr. Drew presented his memorial expressing his anxiety to know upon what grounds the appointment was not conferred upon him, why was no answer returned? Would it not have been the most satisfactory way of treating Mr. Drew, to have told him that by law he was not entitled to the appointment? By not telling him so, he was left under an implied imputation of not having been appointed on account of some inefficiency, or of some disqualifying conduct.

Sir F. THESIGER observed, that the right hon. Gentleman (Sir G. Grey) with very great ingenuity had contrived to avoid the most important part of the case, namely, that a pledge had been distinctly given, and repeated that the existing judges should be entitled to preference in the new appointments. He had correctly stated the expressions said to have been used on a former occasion by the right hon. Baronet; and he (Sir F. Thesiger) appealed to the House whether the language he had quoted did not amount to a pledge, that if there were no objections to any existing judge, he was the person who would be entitled to priority? The right hon. Baronet admitted the pledge, but had endeavoured to show that Mr. Drew had placed his case upon a wrong ground, by saying that the Bill originally introduced by the late Government contained a clause which protected his right.

The ATTORNEY GENERAL said, that his hon. and learned Friend had thought proper to repeat that a pledge was given by his right hon. Friend (Sir G. Grey), although his right hon. Friend had denied having given any pledge. He (the Attorney General) would state what did occur, an account of which might be seen in the Parliamentary reports; and if his hon. and learned Friend had been present on that occasion, he would not now have persisted in his statement. His hon. and learned Friend had taken only an extract of what was said by the right hon. Baronet; if he had taken the whole speech, his hon. and learned Friend would have been aware that no distinct and positive pledge was given that these parties should be appointed judges in the new courts, but that their claims should be considered, and that they should have the preference. This statement was followed by an observation from himself (the Attorney General), that it was utterly impossible all the existing judges could have claims, for there were about eighty persons then holding office, and there would be only about sixty new judges appointed. It never could have been supposed by anybody that it was intended to give these gentlemen what was considered a vested right, such as to authorize his hon. and learned Friend to persist in his statement. [Sir F. Thesiger never stated that the Bill gave them a vested right, but a pledge was given that they should have the preference to others.] True; but his hon. and learned Friend considered that Mr. Drew had sustained a great grievance, and that he and others in a similar situation had, by reason of what had passed last Session, been lulled into a state of fancied security. Mr. Drew was appointed assessor to the Southwark Court of Requests in July, 1846; and he stated in his petition that at that time, he had reason to expect that he should have been continued in his office, because (as he alleged) in the Bill which was then pending respecting the establishing of new courts for the recovery of small debts, there was a clause which preserved to him that right. But was that so? It was not; for by the Bill to which Mr. Drew referred, it was expressly provided that no person should have the right of being appointed a judge of these new courts who had not been a judge of the then existing courts of limited jurisdiction on the 1st of June, 1846. Now, Mr. Drew was not appointed assessor until July, 1846. And for what purpose was this clause inserted? Why, in order that the introduction of the Bill should not be the signal for old and incompetent persons to retire from the office of judge, that younger persons might get the appointments, and thus obtain a vested right to the new judgeships. With respect to Mr. Drew not having received any answer from the Lord Chancellor, he believed that the uniform practice was, when applications were made of that nature to the Lord Chancellor, for that learned person not to return any answer. He certainly knew that there were persons who were quite as high in station as Mr. Drew

—men of rank, of high standing, and of undoubted merit in their profession, and who had made applications to the Lord Chancellor, and who did not consider it derogatory to their dignity not to have received an answer from that noble and learned person. No doubt the case of Mr. Drew was a hard one; but the Lord Chancellor was not to be blamed for it. Mr. Drew gave up his appointment as clerk to become assessor, for the sake of the chance of being appointed judge under the new law. That chance had failed him; but, was the Lord Chancellor answerable for that? It was a hard case, but it must also be considered a strange case. His former office of clerk still remained open, and to which Mr. Drew might even now be appointed; but he considered it beneath his dignity to become a clerk in the very court in which he had sat as judge, although it was a more lucrative appointment than that of assessor.

Mr. NEWDEGATE was not surprised that Mr. Drew had been disappointed, for he who had been listening to what had occurred on the subject, had expected that a different course would have been taken. The right hon. Gentleman the Attorney General said, that his answer on a former occasion was so plain, that it was impossible he could be mistaken. He was in the House at the time, and had heard that answer. [The hon. Gentleman read from *Hansard* the report of the Attorney General's observations on the occasion referred to,* from which it appeared that the right hon. Gentleman gave the House to understand that the sixty new judgeships would be filled out of the eighty existing assessors.] The impression produced on his mind was that the new judges would be selected from the eighty existing judges; yet Mr. Clive had been appointed who was not one of the assessors. He put a distinct question to the right hon. Baronet the Secretary of State for the Home Department, who gave him distinctly to understand that the former judges would have a preference in the new appointments. He therefore sat down, satisfied that his Friend Mr. Guest, of Birmingham, whose interest he wished to promote, would be appointed; but Mr. Guest had been disappointed, and accepted the alternative of a clerkship. Upon the whole, he was not at all surprised that Mr. Guest should consider himself disappointed, and that Mr. Drew should think himself an ill-used man.

Motion agreed to.

BONDING OF BRITISH SPIRIT.

Mr. MOFFATT then rose to move the appointment of a Select Committee to inquire into the operation of the existing regulations in reference to the bonding of British spirits in the United Kingdom, and to the rectification of British spirits for exportation. The hon. Gentleman was proceeding with his statement when the House was counted out.

Adjourned at a quarter to Nine o'clock.

HOUSE OF COMMONS,

Wednesday, June 9, 1847.

Minutes.] Public Bills.—1° Threatening Letters, &c.; Insolvent Debtors.

2° Seduction and Prostitution.

Reported.—Prisoners Removal (Ireland).

3° and passed:—Stage Carriages, &c. Duties; Soap Allowances.

Petitions Presented. By Mr. Hume, from Sufferers by the Fire of the 9th of June in Newfoundland, respecting the Application of certain Monies.—By Mr. Ricardo, from Westminster, for Inquiry respecting the Rajah of Sattara.—By Mr. M. Gibson, from Chamber of Commerce, Manchester, for Removing the Restrictions on the Importation of Corn.—By Mr. Hume, from Lymington, for Redress, in relation to the Land Tax.—By several hon. Members, from various places, for Alteration of the Proposed Plan of Education.—By Mr. Gisborne, from Guardians of the Nottingham Union, for Repeal of the Game Laws.—By Mr. Brotherton, from the Compositors of London, in favour of the Health of Towns Bill; and from the Wakefield Waterworks Company, for Alteration of the same.—By Mr. Craven Berkeley, from Cheltenham, and Mr. Wilson Patten, from Lancaster, against the Medical Registration and Medical Law Amendment Bill; and from several places, against the same.—By Mr. Muntz, from Shipjoiners of London, against the Repeal of the Navigation Laws.—By Sir G. Strickland, from Brewers of Preston, for Alteration of the Police Clauses Bill.—By Mr. Hume, from George Duggan, of Birmingham, Architect, for Inquiry into the Conduct of the Poor Law Commissioners.—By Mr. Hume, from Shipowners of Southwold, in favour of the Ports, Harbours, &c. Bill (1846).—By Mr. Spooner, from several places, for the Suppression of Promiscuous Intercourse.—By Mr. Muntz, from Merchants and Manufacturers of Birmingham, for the Regulation of Railways and Canals.—By Mr. Butler, from Kilkenny, in favour of the Railways (Ireland, No. 2) Bill.—By Mr. S. Crawford, from Commissioners for Lighting, Paving, Cleansing, Watching, Regulating, and Improving the Town of Rochdale, for Relief respecting the Rochdale Improvement Bill.—By Mr. Du Pre, from Farmers and Graziers, against the Removal of Smithfield Market; and by Mr. Spooner, from several places, in favour of the same.—By Mr. Brotherton, from several places, for referring National Disputes to Arbitration.

RAILWAY BILLS.

The CHANCELLOR of the EXCHEQUER being called upon,

Sir H. HALFORD rose to order. The resolutions about to be proposed by the right hon. Gentleman were really not properly "private business," and ought not to take precedence as such.

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* See Hansard, Vol. lxxxviii. Third Series, p. 916.

MR. SPEAKER was of opinion, that as the resolutions related to Railway Bills, and Railway Bills were Private Bills, this was a part of the private business.

Report of Railway Committee 7th of June read.

The CHANCELLOR OF THE EXCHEQUER was sorry to interfere with the adjourned debate on the Hosiery Manufacture Bill, for which the hon. Member was naturally anxious, but it was so excessively desirable that all persons concerned in Railway Bills should know as early as possible what were the intentions of Parliament, that it would be most convenient that the resolutions agreed to by the Select Committee on Railway Bills should at once be brought under the consideration of the House. It would be remembered, that on the 14th of May the hon. Member for Mr. Montrose (Mr. Hume) brought before the House some resolutions affecting certain proceedings of railway companies, and there was a general admission in the debate which then arose that some practices on the part of promoters of Railway Bills were, in fact, an evasion of the spirit, if not of the letter, of the Standing Orders. An opinion was also expressed by several hon. Members that it was desirable to impose some check upon the railroad pace at which railway undertakings were going on; and on the whole the Government thought it desirable that a Committee should be appointed to consider whether any measures should be adopted for suspending further proceedings in all or any of the Railroad Bills for this Session; and whether any further provisions in the Standing Orders relative to such Bills would be advisable. The Committee was appointed on the 18th of May, and the resolutions agreed to by that Committee were laid on the Table on Monday. Before moving that the House do agree to them, it might be well to state generally the course which the Committee adopted, that the House might be in possession of the general views of the Committee. Nothing was said in the debate on the former day implying that the construction of a railroad, generally speaking, was not most beneficial to trade and commerce, and for the convenience of the public; but there seemed to be a prevalent impression, that for the last year or two the House had sanctioned the introduction of railroads at too speedy a rate, and that considerable inconvenience had been experienced of late in consequence of the abstraction of floating capital for investments which were not easily realized when the money was wanted for the purposes of trade. It was suggested that the House should interfere and compulsorily stop all Railway Bills for this Session. The Committee, however, unanimously decided not to adopt that course. They felt that at any rate there were several small branches, and links of communication, which it was exceedingly desirable to have completed as soon as possible; they were in many cases connected with other lines, completed or being completed, in the expectation of these Bills passing; and the postponement of them would lead to the discharge of many persons in the employment of various companies, and this would of course be extremely undesirable. It was then suggested that a selection might be made by the Committee of those Bills which should be allowed to go on; but, as it was desirable that an early decision should be come to, in order to stop unnecessary expense and let parties know upon what ground they really stood, the Committee felt it impossible to enter into a lengthened investigation of that description. Upon the whole, therefore, they determined not to impose any compulsory stoppage upon parties, but to give the promoters of a Railway Bill the power of suspending further proceedings, with the option of commencing in the next Session at the stage where a Bill might now be suspended, the deposits being meanwhile returned to the depositors. This was what the first and second resolutions proposed, and the conditions were taken nearly verbatim from those which were imposed upon parties whose Bills were suspended in the Session of 1845. The Committee were told that there were companies waging war for the occupation of a particular line of country, but not anxious to construct a railroad immediately, and both of them willing to rest upon their arms for a year or more; and there was reason to believe, in fact, that a considerable number of Bills would be thus postponed for the present. But there was another branch of the subject; the Committee, which was pretty nearly unanimous throughout, laid down certain rules as to the withholding in future some powers which of late years had been inserted in Railway Bills. The Committee proposed to themselves this limit—that they would recommend for a general rule nothing which they should not have felt it their duty to propose if they had been sitting upon a Railway Bill; and therefore no parties could complain, since they brought their Bills before Parliament subject to a revision before a Committee, and nothing was imposed upon them but what might have been imposed by a Committee—a chance to which all persons coming to Parliament for extraordinary powers must necessarily be subject. The resolutions, too, would merely bring back the practice of the House to what it was when railroad undertakings were brought forward as *bonâ fide* substantial transactions, and before the speculative mania gained such large hold not only upon the country, but, it was to be feared, upon the Committees of the House, as to induce them to depart from the safe and sound practice of former years, and pass Bills of a very doubtful character in the last two or three Sessions, when companies had in several cases been got up with no intention of ever constructing the line about which they applied, but only of selling the powers asked for. The third resolution provided, that in Bills in the present and every future Session there be inserted a provision prohibiting the payment out of capital of any interest or dividend in respect of calls. The old Bills, the Committee were informed, contained no such powers; the great railroad companies were not possessed of them, and considered the practice referred to most objectionable. The next resolution referred to applications for powers to construct branches from, or extensions of, existing lines, and required a subscription contract for three-fourths of such additional capital, and prohibited the payment out of former capital of deposits on any new application to Parliament. In the case of one of the eastern lines, which had been already brought to the attention of the House, there had been a complete evasion of the Standing Orders in this respect, and in fact, a perfect fraud; and Committees on Bills did not think it their duty to take notice of things of this kind, but always said it was matter for the Standing Orders' Committee, and the only remedy was by making a Standing Order upon the subject. The next resolutions related to the powers of sale and lease, and were intended to check applications which were not preferred with a *bonâ fide* purpose of constructing the line. Nothing tended so much to force on the premature and precocious construction of railways as the practice which had arisen in this respect. Small companies or independent parties got up a line, knowing that one or two great companies were anxious for the possession of that district of country; and the only intention was to put up the line to be bought by the best bidder of two or more companies, who must buy it, and who were thus forced prematurely to construct a railway, which in the end might be desirable, but which they would in due time have constructed as a branch of their own. A Bill had even been introduced in which a company was required, without an option, to grant a lease of the works in perpetuity, on their completion, to another company. The resolutions proposed to provide, in Bills in the present and future Sessions, that there should be no power of sale until the Railway Commissioners should be satisfied that half the capital authorized to be raised had been actually expended. Further, except for the execution of the original line, no company was to guarantee interest on additional capital, or dividend to another company, until the original line should be opened; a company coming to Parliament for its own existence ought not to have power to guarantee interest to another company, until there were profits which would make its guarantee to be some security. There were also one or two other restrictions, with a view to prevent the creation of capital improperly. There were general rules for the guidance of the House and of its Committees. He intended to propose the resolutions *seriatim*, and having stated their object he would conclude by moving the first resolution. The right hon. Gentleman moved accordingly—

> "That the Promoters of all Railway Bills, in the present Session of Parliament, shall be empowered, on the Second Reading, or on the completion of any subsequent stage of any such Bill, to suspend any further proceeding in the present Session, with the option, under the following conditions, of proceeding with the same Bill in the next Session of Parliament, at the stage where the Bill shall be now suspended."

SIR H. HALFORD moved the adjournment of the debate, to allow the Hosiery Manufacture Bill to be proceeded with.

After some discussion, the debate was adjourned till next day at Twelve o'clock.

AFFAIRS OF PORTUGAL.

On the question that the Order of the Day be read,

MR. BERNAL OSBORNE inquired of the hon. Member for Montrose when he intended to bring on the Motion of which he had given notice relative to Portugal. He was to have brought it in on Monday, and it was afterwards postponed until Thursday, and then again until Friday. The hon. Member had proved himself to be made of more squeezable materials than he had thought. He wished to know when the hon. Member intended to bring on his Motion. It was of great consequence that it should be decided before the starting of the packet for Oporto. The great cause of constitutional liberty all over the world might be more seriously affected by these repeated delays than the hon. Member for Montrose was aware of. He had been much surprised at the cause for delay urged by the noble Lord the Member for Lynn—namely, the Queen's Ball. It put him in mind of the well-known line—

> "And wretches hang, that jurymen may dine;"

which he would be allowed on this occasion to paraphrase into—

> "And patriots die, that senators may dance."

He was grieved to see the hon. Member for Montrose sliding away from the principles which he had so long maintained, and he wished now to know whether he intended to bring on his Motion on Friday or not?

MR. HUME said, that he was just as much alive to the importance of the question as was his hon. Friend, who had no right to accuse him of wishing to shrink from his duty—a weakness into which he hoped that he did not often fall. The fact was that he (Mr. Hume) had coincided in the propriety of postponing the discussion until the papers relating to it should have been before the House. But, so far as he was concerned, he was determined on Friday to submit his Motion to the House.

HOSIERY BILL—ADJOURNED DEBATE.

The Order of the Day for resuming the Adjourned Debate on the Second Reading of the Hosiery Bill having been read,

MR. MILNER GIBSON said, that the hon. Member who had moved the second reading of the Bill in six months, had so fully set out the grounds of opposition, that it was hardly necessary to go over them now. As, however, the proposition was again before the House, he (Mr. Gibson) would state briefly his reasons for opposing the second reading. The hon. Baronet the mover of the Bill had stated that he was only desirous of referring the Bill to a Select Committee, in order that other Members of the House might share his responsibility before the measure was finally submitted to Parliament. But although it might seem plausible enough when a case of distress had been made out, and a proposal of relief submitted, that a Committee of Inquiry should be appointed, still it must be borne in mind that if the House read the Bill a second time, and then referred it to a Select Committee, it would stand committed to the principle of the measure, and would give its assent to the principle of regulating wages by Act of Parliament. He, for one, could not give his adhesion to that principle; and on that ground he felt it his duty to oppose referring the Bill to a Select Committee. The hon. Baronet had brought forward a measure last year on the same subject, but wholly of a different character to the present. The former Bill merely applied regulations by which the workmen would be able to procure evidence of what the contracts were into which he had entered with his masters; but the measure now before the House proposed to state what the contracts themselves should be—to enact that certain contracts should not be allowed to be made at all—and that certain modes of employing working people shall not be permitted, and, in fact, for the confiscation of property in a certain kind of machinery. He contended that this was a totally novel principle; he doubted if a single Act of the Legislature could be produced which so directly tended to the confiscation of property as this, which proposed that if a man let out his property for hire, and received rent for the use of it, the act should be illegal. The measure of last Session, therefore, could not be adduced as an argument in favour of the measure now proposed. The principle of this measure appeared to him to be fraught with evil to the working classes themselves. The advocates of the Bill proceeded upon the assumption that the working people in the frame-knitting districts were so helpless and defenceless that they needed the protection of the Legislature against all kinds of arbitrary extortion on the part of their employers. If that were so, and if by the interference of the Legislature the cost of the production of the hosiery manufacture was increased, what argument had been adduced to show that the increased cost of the production would not fall upon these helpless working people? If they were so helpless as represented, and if the increased cost fell upon them, as he contended it would, then an injury would be inflicted, instead of a benefit being conferred upon them. How was it supposed that House could undertake to carry on the manufacture of hosiery, and to prescribe to the masters the best mode of conducting their business? But take the other view, and suppose that the cost of production was not increased. Suppose even that a saving in the manufacture were effected, what argument had been used to show that that saving would go into the pockets of the labourers? A more illogical conclusion had never been arrived at than the proposition that because a saving was effected in a manufacture, the whole of it would go to the wages of labour. He contended, that by this Bill no such alteration would be made in the distribution of the fund from which labour was paid, as that a larger amount of wages would be received by the labourer. An inquiry had been instituted into the subject by a very able and intelligent gentleman, Mr. Muggeridge, and nothing was contained in his report to lead to the supposition that a measure such as this was necessary to relieve the distress which was admitted to prevail among these workpeople. The inference might be drawn, that Mr. Muggeridge was of opinion that something ought to be done for the relief of that distress; but there was nothing in his report showing that he considered a measure like that now proposed calculated to effect that object. On the contrary Mr. Muggeridge stated, that among the points established by evidence was this—that it was in vain to expect that the condition of the framework knitters could be improved by legislation. He pointed out other means, such as lessening the numbers of those brought up to this profitless occupation. Whole families were trained to it, and the number in the market was greater than the demand could carry off. While this lasted, Mr. Muggeridge observed, cases of poverty and distress must be very numerous. Framework knitting was an art easy to acquire by almost any one; and there being such large numbers of poor persons seeking for employment, they naturally flocked to an occupation which required no apprenticeship to master, depressing the wages of labour more than in other pursuits in which the labour was more skilled. It did not appear that the hon. Baronet and his Friends were quite satisfied with their own proposal; and if they evinced a want of confidence in it, it was not very likely that he should feel any the more encouragement to assent to it. This was a question of interference with a large branch of our manufactures, and of disturbing the relations between masters and their workpeople, which had grown up during a great number of years; and in such a case the views of those who proposed to make any alteration should at all events be clear and decided. But the hon. Member for Leicester and the hon. Member for Finsbury differed from each other in the most essential points of the Bill. The hon. Member for Finsbury was doubtful whether the abolition of the frame rents could be accomplished in the way proposed; and yet that was one of the most essential features of the Bill of the hon. Baronet; because, if this frame rent were allowed to exist, from what quarter was to come the proposed increase of wages, to the workpeople? How did the hon. Member for Finsbury propose to increase the wages, if he did not take the course which the hon. Baronet said was the only mode of doing it? Considering these differences of opinion, he (Mr. Gibson) approached the question with still greater difficulty and hesitation than he should otherwise have felt. If all the advocates of the Bill were unanimous and agreed among themselves, then even as a matter of common courtesy it might be said, let there be an inquiry; but it appeared they differed on the most important points. The hon. Baronet proposed that in the hosiery manufacture no person who was not a manufacturer within the meaning of this Bill should be permitted to employ any workman. It was to be presumed that what the hon. Baronet meant was, that as the middlemen intervening between the master and the workman must be paid, if their profit could be saved, the money would go into the pockets of the workmen. Then, if a master workman was not to be considered a manufacturer within the meaning of this Bill, he would not be allowed to employ his own children or any journeyman in his own dwelling; but each and every workman must have a particular contract with the master manufacturer. Why, the object of this Bill was to raise the wages of labour. [Sir H. HALFORD: Not so.] If not, what is the object of it? [Sir H. HALFORD: I say, that the wages are unfairly and unnaturally lowered.] Then the hon. Baronet must say what natural wages are. But the hon. Baronet proposed that this unnatural depression should not take place in wages by abolishing the middlemen, and he had not shown that when this was done the workman would get the saving. How did he show that if there were to be a saving—which he (Mr. M. Gibson) denied there would—the master would not benefit solely by it. But he believed the fact to be, that there was no other practicable mode of carrying on the framework knitting than by these middlemen. Did the hon. Baronet propose that each workman was to go to the residence of the master and make a direct contract with him? Or did he propose that a servant should travel about among the knitters, and make distinct and separate contracts with each? If so, that person, whosoever he was, must be paid; and how was it shown that his salary would not fall as heavily as the profit of the middleman? But why not extend the abolition of middlemen to other things besides framework knitting? Why not to the tailors of London, for example? They did not make a contract with each of their journeymen, but gave out work to certain persons, who in turn divided it among others. Then take the case of the landed interest: would it be said that it was improper there should be a tenant between the landlord and the labourer? Or take the case of the railways. Were they not all conducted on the plan of contract and sub-contract, which was found to be the most practical and economical. Would it be said that the directors were to make separate contracts with every man who excavated the earth on the line? He must give his decided opposition to the attempt of the hon. Baronet to abolish these middlemen. But were the Bill to pass, would the object be accomplished? Was anything more certain than that the rule would be evaded. The frames would be made over by way of sale, or some step of the kind would be taken to make the middlemen master manufacturers within the meaning of the Act, and the whole scheme of the hon. Baronet would be destroyed. He also objected as decidedly to the attempt to abolish the rents of frames. It appeared monstrous that when persons had invested a small capital in the purchase of these machines, the Legislature should turn round, and render them comparatively valueless, by enacting that no one should pay rent for the use of them. Let the principle then be carried out to other descriptions of property — to land or houses. He could conceive no more legitimate investment of capital than in a machine. Would the House, for example, object to rent being paid for the use of a steam-engine? And, with respect to the labouring classes themselves, could anything be more unjust than to tell them that, because they were unable to find capital for the purchase of a machine, they should not be allowed to hire one from those who had? Why, a greater injustice to the working classes had never been proposed in that House. And, in this respect also the provision of the Bill would be very easily evaded. The hon. Baronet contended that the profit of the capital invested in these machines should not come out of the labourers' wages; but he was then bound to show some means by which the price of the article could be raised so that it should fall upon the consumer. He contended that the Bill would not render the net amount of wages received by the working people any higher than it now was. It appeared to him that this Bill would interfere improperly with the rights of property, establish most objectionable principles, and be productive of the greatest mischief, without in the remotest manner effecting the objects its advocates had in view. Their motives were, no doubt, pure and excellent; they desired to benefit the working people, and no one desired more to see a change for their advantage than he did. But feeling confident that no benefit would result to them from the legislation proposed, he felt it his duty to vote against the second reading of this Bill.

MR. PACKE controverted the assertion of the right hon. Gentleman, that Mr. Muggeridge's report was not in harmony with the provision of this Bill; and he quoted that gentleman's report to show that he had represented the frame rents as one of the evils most universally complained of, and that the evidence was perfectly conclusive on that point. That statement had been supported by a witness who had nothing to do with the frames, but who was materially interested in the affairs of the district, namely, the chairman of the Leicester board of guardians. He did not believe that in any part of the kingdom, except the midland counties, so intolerable a system prevailed as this to which the poor framework knitters were subject. As to the comparison between these frame rents and other descriptions of property, it did not hold good. He represented an agricultural as well as manufacturing population, where the wages in the one case were 12*s*. or 14*s*. a week, and in the other

3*s.* 6*d.* and 4*s.* 6*d.*; and he should like to know what would be the effect if farmers were to make a deduction from wages on account of the use of ploughs and harrows and other implements. He had offered to assist the poor workpeople in a way to enable them to get frames of their own; but they had told him that they should be ruined, for if they had their own frames they would be unable to obtain employment, and that they were bound down under the present system. He contended that such a system was intolerable tyranny; and so long as he had a seat in that House he would never allow a year to pass without endeavouring to abolish it. The hon. Member for Leicester had said there was nothing for those framework knitters but to trust to Providence and to exercise economy and forethought; but he would like to know what economy could be exercised on 4*s.* a week. He did not seek to interfere with the rate of wages; but it was the mode and manner in which this system was carried on that he complained of. It was altogether so gross that he never would cease his exertions until he saw the condition of these poor people bettered. He should give his cordial support to the second reading of the Bill.

MR. FORSTER, whilst he gave the hon. Baronet (Sir H. Halford) credit for the benevolence of his motives in introducing this Bill, felt compelled to express his surprise that any hon. Member of that House should have ventured to propound such a measure as this. He was surprised that such a Bill should be brought into the House at all, and thought every syllable in it was perfectly ridiculous and absurd.

SIR JOHN EASTHOPE observed, that it would probably be in the recollection of the House, that when the Bill now under consideration was debated on a former occasion, he expressed it as his opinion that the measure in the shape in which it was then presented was adapted to do harm rather than good—that in fact it was calculated to produce evils more serious than those which it was designed to remedy. From that opinion he was not now about to deviate; but he wished it to be understood that in voting, as it was his intention to vote, in favour of the Motion of the hon. Baronet the Member for North Leicestershire, he did not mean to identify himself with many of the provisions of the Bill. It now came before the House in a shape which rendered it necessary—as the hon. Baronet himself admitted—that it should be referred to a Committee up stairs, in order that its provisions might be compared with the statements contained in the Commissioners' report, and that it might be ascertained whether it were possible to model it in such a manner as to render it instrumental in affording relief to that unhappy class of persons whose sufferings it was designed to mitigate. If it had been presented to the House as a measure of legislation, to be carried out in strict conformity with its provisions, he would most unquestionably repudiate and refuse it; but it was not so offered. He was asked to go up stairs and deliberate whether anything could be done by the Legislature to alleviate the sufferings and ameliorate the condition of from fifty to sixty thousand starving people. He was invited to do so on the evidence of a Commission appointed by Her Majesty to inquire into the grievances of these poor people, and to suggest a remedy—a Commission the duties of which had been performed in a spirit of patient and deliberate inquiry which had never been exceeded. The Commissioner who presided at that investigation stated plainly and unequivocally that some new regulations to govern the operations of these artisans were imperatively demanded, and that their introduction would be most salutary; and the witnesses who were examined before the Commissioner—people mixed up with the trade, and whose own personal interests were vitally involved—stated, in terms the most unreserved, their deep conviction, that the present system of carrying on business—that by means of middlemen—was the bane and curse of the trade, and that its tendency was to render the idea of being engaged in it excessively distasteful to men of humane and honourable feeling. He would not trespass on the attention of the House by reading any passages from the evidence adduced before the Commissioners; suffice it to say, that the report most distinctly and emphatically declared that some regulations were essentially necessary, and that their introduction would be beneficial and salutary for these poor artisans. This declaration was concurred in by the masters themselves; some of the oldest, wealthiest, and worthiest of whom united in representing that the present system of frame rents and middlemen was the bane and curse of the trade. With unquestionable evidence of these facts before him, how could he say that he was not prepared to go into an inquiry? Here was a population pursuing their miserable avocation with a degree of patience and suffering which was above all praise—relieved from the curse of Chartism, and refraining from any of those political agitations which would be to them misfortunes and disasters rather than alleviations of their sorrow; but tranquilly pursuing their calling, not only on days of labour, but during nights which ought to be devoted to repose—enduring not only fatigue and anguish, but even pinching hunger. And was it to be said that under these afflicting circumstances the House of Commons was to refuse to engage in an inquiry having for its object the discovery of some measures whereby such an amount of human suffering might be mitigated? With a report before him, spreading over more than a thousand pages, and containing an assertion continually repeated, and in no one instance called in question, that the present regulations were not correct or well administered, was he to refuse to go into Committee for the purpose of determining whether it might not be possible so to change the Bill now under consideration as to render it productive of happy results to those poor people? If he were to yield to the argument that the principle of the Bill was objectionable as involving the principle of interference with trade, he would be at a loss to understand on what plea the abolition by that House of the truck system was to be defended. No one ever had the courage to declare that interference with that most objectionable system was unjustifiable, on the ground of its being inexpedient that the Legislature should attempt to meddle with the operations of trade; and why should the argument be now used to the prejudice of a proposal so excellent, as far as intention was concerned, as the present. The fact was, that interference upon interference had been attempted; and in the artificial state of the social relations in this great manufacturing country it was absurd to maintain that no such interferences were necessary, or had been called for. And yet, if the principles of his right hon. Friend the Vice-President of the Board of Trade were to be received as the guide of conduct in that House, no interference with the operations of trade, however strongly it might be recommended by considerations of patriotism and humanity, could be tolerated or permitted. With regard to the provisions of the Bill in the shape in which it was now presented to the House, he begged to have it understood that he was not by any means in favour of them. He would not hesitate to say that in its present shape he believed it to be a crude and ill-digested piece of legislation. But then it should be remembered that the Motion of the hon. Baronet the Member for North Leicestershire was, not that it should receive the sanction of the House in its present form, but that it should be referred to a Select Committee to inquire whether there could be found in the Bill any thing out of which could be constructed a measure, the effect of which might be to mitigate the sufferings of those poor people, and also to maintain that spirit of integrity and fair dealing by which trade should be characterized. That was his object, his sole object, and having that object in view, he was fully prepared to vote for going to a Select Committee; for the sake of that object he was prepared to encounter all the opprobrium of supporting a measure which, as it now stood, was, he was willing to admit, crude and ill adapted to accomplish its professed end. He entirely disclaimed the desire of courting election favour or winning a cheer at the hustings by the words which he was now uttering. He should never again require the aid of either; but he acted under a feeling of the deepest conviction, that if he were to take a different course from that which he was pursuing, he would not discharge his duty as an honest man. From men of all parties, from clergymen of every denomination, Catholic, Protestant, and of the Established Church, he had received accounts which concurred in representing that the sufferings of those poor people could not be described—nay more, that they could scarcely be conceived. They appealed to that House for relief. They complained of the hard-heartedness of the middlemen, and of the carelessness of the manufacturers. They said amongst themselves, "Come, let us see what Parliament will do for us;" but if Parliament were to turn a deaf ear to their application, and refuse to devote any portion of its time to the task of inquiring what remedy could be devised for that afflicting state of things, which the report of the Commissioner and the evidence of the witnesses examined before him proved to exist, the manifest inference would be, that it was useless for the injured and aggrieved to appeal to that House for redress. Surely it was not, because the Bill now under consideration was in its present form ill calculated to secure the object which its promoters had in view, that the House should refuse to do anything whatever towards the furtherance of that object, or decline to inquire whether the measure might not be so modelled and adapted as to remedy an evil which all admitted, and which all professed to lament.

Colonel ROLLESTON admitted the necessities of the people whom it was proposed by this Bill to relieve, and thought it would be an act of gross injustice on the part of that House, after their attention had been called to the subject, to refuse going into a Committee to ascertain how the sufferings of those artisans might be mitigated. The object of the Bill was to secure to the poor man a fair day's wages for a fair day's work.

Sir J. C. HOBHOUSE was decidedly averse to going into Committee on the Bill. He opposed the proposition, because of his regard for the very people whom it was the desire of the promoters of the measure to benefit; for by going into Committee on it, the House would be only holding out hopes to those persons that the Bill would meet the urgencies of their case, and raise the wages, and change the condition of many thousand unhappy persons whose great misfortune it was that they had embarked their only capital—their industry—in a trade which was not remunerative. The only argument he had heard from the advocates of the Bill during the present debate was, that it was a remarkably bad one, and that it was therefore expedient that they should go into Committee, and endeavour to amend it. It was the first time he had ever heard of the second reading of a Bill being advocated solely and exclusively in consideration of its demerits. It was the first time he had ever seen hon. Members coming down with a Bill in their hands, and addressing the House somewhat after this fashion:—"This is a peculiarly bad Bill, let us go into Committee and try to mend it." The hon. Baronet the Member for Leicester had admitted that it was so crude a piece of legislation that he could not think of supporting it in its present shape; and the hon. Member for Finsbury confessed that he had a very bad opinion of the two principal clauses of the Bill, which, in fact, were the Bill itself. It was the very first time that he (Sir J. Hobhouse) ever knew of an important measure being so introduced and so supported. The master manufacturers of Nottingham were totally opposed to the Bill; and he was not surprised at their hostility, for indeed it was fraught with the most injurious consequences. Of the 40,000 frames in the midland counties, 10,000 were independent frames, and these would not be worth the wood they were made of if the present Bill were to become law. They would be entirely confiscated. It was a Bill which would bring destruction on the middlemen, without doing any good to the operatives themselves; nay, it would prove positively injurious to the operatives, for the income of the master manufacturers would be injured by it, and they would seek to indemnify themselves by reducing yet more the wages of those in their employment. He was sure that the Commissioner who had inquired into their condition (Mr. Muggeridge) would not approve of such a Bill. He should like to have that gentleman at the bar, that he might just ask him the question. If he thought that going into Committee would produce any even the smallest measure of relief to the unhappy class of persons whom the hon. Member for South Leicestershire wished to benefit, he would of course at once consent to the proposal. What Member of the House was there that would not? The Members of that House had never been accused of being indifferent to the claims of humanity, nor of being unwilling to devote their time to any class in the community whose grievances they could redress; but the fact was, that there was not a single clause of the present Bill which would be operative of good, or productive of the least relief to any class whatsoever. It was on those grounds he felt himself called upon to offer his decided opposition to a measure which would be injurious to many and beneficial to none.

Mr. T. DUNCOMBE disapproved of many of the details of the Bill, but did not think it inconsistent to vote for the second reading, in order that those details might be amended in Committee. He did not know how otherwise they could be amended than by bringing them under the consideration of a Committee up stairs. He denied that the object of the Bill was to raise and regulate wages. It was to protect the honest earnings of an industrious class of persons, of which earnings they were now robbed by the invasion of the existing law. The right hon. Baronet who had last addressed the House had protested against any interference on the part of the Legislature; but it was now too late to hold such language. They had already admitted the principle of interference in the case of the

Ten Hours Bill, and on other occasions, and they could not rescind it now. All admitted that something ought to be done. There were 60,000 persons interested in the passing of the Bill. The master manufacturers might, had they been so disposed, have procured the introduction of a Bill for the protection of the frame-workers; but they had neglected to do so, and the poor operatives had got some hon. Members to commiserate their unhappy condition, and to espouse their cause in that House. He was free to admit that the Bill interfered in some cases with property in a manner not at all justifiable. He did not think it a warrantable interference that there should be an inspection of the manufacturers' books, or that the hiring of frames should be prohibited; but that was no reason why an effort should not be made up stairs to remedy the defects of the Bill, and to render it really adaptable to the purpose it was designed to effect. The grievances under the present system were really dreadful; the workmen were actually robbed by it. An argument in its favour was that there were 1,700 independent frames. But to whom did they belong? To butchers, bakers, and grocers; and he would explain to the House how the system was worked at Sutton in Ashfield. The bagman hired the frame himself for sixpence a week from the owner, who was a butcher, a baker, or a provision dealer, as the case might be, and not only hired it out to the unfortunate operative at an enormous profit, but took care to make a bargain with him that he should purchase his meat, bread, or provisions, from the man who was the proprietor of the frame. The hardship of this arrangement to the operative was very cruel. He knew a case where an operative's wages for twelve weeks amounted to *7l.* 16*s.* 6*d.* He hired a frame from the bagman, who compelled him to buy his bread at a certain shop, and when the operative came to settle with the bagman, the latter said, "It is quite true I owe you *7l.* 16*s.* 6*d.*, but *4l.* 3*s.* 9*d.* is stopped for bread, and *1l.* 15*s.* 6*d.* for the rent of the frame, making in all for the two items of frame rent and bread, *5l.* 19*s.* 3*d.*" The balance was all the poor operative got; and it appeared that he had to pay for his bread 25 per cent more than he could have bought it for elsewhere. As an evidence of the enormous profits which were made by hiring out frames, he might mention an instance where a man purchased the machine originally for 15*l.* He lent it out for a year at the rate of 2*s.* 6*d.* a week, on the calculation that there were fifty weeks and a half in the year, and so realized 6*l.* 6*s.* 3*d.* in a single year; but before this it had been worked by one man for ten years, so that, on the whole, he had realized, in a round sum, about 63*l.*, the only deduction being 1*l.* 10*s.* on account of repairs. After giving several cases of a similar nature, the hon. Gentleman proceeded to say that he was somewhat surprised at the nature of some remedies which had been proposed for the relief of the framework knitters. The only remedy that could be suggested by some hon. Members was, that those poor creatures should not marry. He supposed they were to be handed over to the tender mercies of his hon. Friend the Member for Birmingham (Mr. Spooner), whose Bill was set down for second reading to-day. Mr. Muggeridge had said, over and over again, that he did not know a more oppressed set of people; but that was no reason why they should not marry. Another hon. Gentleman said, they ought to give up this trade, and should not teach it to their children; but while such language as this was held, the frame proprietors were going into the agricultural districts and obtaining children for the purpose of teaching them to work their frames. There were 500 persons in the Hinckley union workhouse who were framework knitters; and in the midland counties, owing to the destitution of this class, the Poor Law could not be made to work. He implored of hon. Members not to treat with neglect the claims of a class of persons whose sufferings it was impossible to witness without emotion; at least, the House ought not to add insult to injury by refusing even to allow the Bill to be referred to a Select Committee.

MR. ROEBUCK said, this Bill consisted in reality of one provision, that contained in the 4th Clause; and it was of importance to understand what was the mischief of which the hon. Gentleman complained, and what was the object he hoped to attain by that provision. He said, here were parties belonging to a particular trade who did not get good wages, and his object was to create for these people good wages. Now, to get at this result, the effect of the Bill would be to limit the number of persons who should employ capital in the formation and supply of frames, so that the framework knitters would have a smaller number of persons to take work from, and would thus be enabled to drive with them a harder bargain than they could now do. After illustrating by an example the operations of this principle, which was one, he observed, wholly destructive of free competition in trade, the hon. Member quoted the clause which prohibited the hiring or letting of frames. This clause was a direct injustice; and yet it was, in reality, the whole Bill. It was, in fact, a Bill to regulate the price of labour as employed in the manufacture of hosiery; and the measure was not a whit the more to be defended because founded on what some deemed principles of humanity. They might depend upon it they would be beaten at every turn when they attempted to interfere with the ordinary processes of labour and demand. The labourer came into the market with his labour as a commodity; and the man who employed him agreed to give him so much money for that commodity, and no interference of theirs could, or ought to, disturb that arrangement. The hon. Baronet the Member for Leicester (Sir J. Easthope) had declared himself in favour of inquiry, but had omitted to state into what he wished to inquire. The hon. Member for Finsbury (Mr. T. Duncombe) was anxious that the poor man, as he termed it, should not be robbed—this was a very taking word—but precisely the same robbery, so to call it, was committed in every case where one man brought labour and another capital into the field. A farmer employed his skill and labour upon the land, and paid rent to his landlord; but this was a mere matter of contract between the parties, and no robbery. He denied that if this Bill were thrown out, it could be considered a contemptuous rejection; and, do what it might, Parliament could not regulate wages, any more than it could regulate rents or mercantile profits. All it could accomplish was, to take care that every man had a fair market for his commodity, whether labour or anything else; and to attempt to do more was to do harm. If by some direful accident this Bill should pass, it would be the utter ruin of the poor persons who at this moment obtained only an inadequate remuneration. In the case of the handloom weavers, interference had been quite as futile; and if this Bill became law, the effect would be to cause the immediate invention of some machine that would throw all the hands now employed entirely out of work. It was dictated only by mistaken humanity. Because misery might be seen in the streets, was it fit to rush into Parliament and exclaim, "Relieve this people?" It was first necessary to ascertain whether they could be relieved. No endeavour had yet been successful to regulate the rate of wages, or to raise them in any other way than by fair competition; to coerce was to diminish the profits of capitalists, and thereby to reduce the wages of labour; and if Parliament should ever commence such a rash and headlong career, the sooner it was stopped the better, and the fewer would be the victims of morbid and mistaken philanthopy.

SIR J. EASTHOPE wished to make only a single remark, strictly in explanation. The hon. and learned Member for Bath had complained that he had not stated into what he was desirous of inquiring. He had stated [*holding up the huge report in his hands*] that he was anxious that the House, through the medium of a Committee, should ascertain whether anything, and what, could be done for the relief of the suffering people, in accordance with that report, and the evidence on which it was based.

MR. BANKES said, the object of the supporters of the Bill was to inquire into, with a view of relieving, the wants and sufferings of the working classes. He might be told that they would not be successful in their inquiry; but it was sufficient if they made an attempt. It was all very well for the hon. and learned Member for Bath to say the inquiry was useless, because, if a successful result was arrived at he would still resist legislation, as contrary to his principles. The House, however, had not adhered to those principles of political economy; and the hon. Member for Finsbury, not denying the truth of those principles, maintained that there were exceptions from the general rule, and that this was one of them. He (Mr. Bankes) believed that this was one of those cases in which legislative interference would be beneficial, by remedying a grievance the existence of which no man denied. In many cases that House had deviated from the principles of political economy; and the right hon. Baronet (Sir J. Hobhouse), in his strong speech in opposition to the measure, had, in not a few instances, afforded arguments in favour of the course the hon. Member for Finsbury had recommended. The hon. and learned Member for Bath had not justly criticised the speech of the hon. Member for Finsbury, who had anticipated many of the objections raised by the hon. and learned Member, and had not fallen into any of the fallacies attributed to him; for he had expressly stated that his object was not to interfere with *bonâ fide* owners of frames, but with persons pretending to be owners—butchers, bakers, and publicans, who got workmen into their power, and extorted an unreasonable rent for the frames, and exorbitant prices for the provisions they furnished. The object of the Bill was to prohibit this practice. According to the hon. and learned Member for Bath, there ought to be no law against the truck system, and the law passed had been ineffectual; but he (Mr. Bankes) believed that law had not been without effect; some effect, he trusted, had been produced in declaring the practice illegal; and the present Bill was of the nature of a declaratory enactment against a practice which was a part of the truck system, and which he considered immoral as well as illegal. This was the view he took of the measure; and even if they should not succeed in showing that the Bill was worthy of adoption by the House, still he thought the time occupied in inquiry would not be lost.

Mr. BROTHERTON was unwilling to give a silent vote, lest it should be thought he concurred in the opinion expressed by some hon. Members that the House was precluded from legislating on such subjects. He thought that Parliament was bound to legislate in all cases where there was a chance that legislation would be useful. He had looked at the Bill with an anxious desire to support it; but he apprehended that it would be easier to frame a new Bill than to amend the old one. Supposing there were 40,000 frames, he did not think that the House would consent to such a confiscation of property as would be effected by this Bill, and which, if adopted, would be most injurious, not merely to the manufacturers, but to the workmen. He objected to it, because he saw that it would be injurious to both; and from communications with manufacturers he found that to one establishment the loss would not be less than 1,000*l.* a year. To pass it, would be discourage persons of industrious habits; and men in future would have no inducement to make themselves owners of three or four frames, at which they might profitably employ their children in the manufacture of gloves and stockings. The number of persons thus engaged was greater than many might suppose. In the town of Belper there might be only 3,000 stockingers; but 10,000 people in the neighbourhood, at a greater or less distance, were so engaged. If the House laid it down as a principle that no frame should be let out, only carry it a step further, and what farmer would be able to accommodate his poorer neighbour engaged in the same pursuit with a thrashing machine? He feared that if the Committee were appointed, the effect would rather be to produce delusion than any real benefit, and it could hardly be terminated in the present Session.

Mr. FERRAND observed, that the working people could scarcely be worse off under any system than under the present, and by this Bill they appealed to the House for redress. He wished to be informed what was the use of Parliament if not to redress the grievances of the people? If universal suffrage had been established, the majority of the House must have voted in favour of this Bill; and the hon. Baronet the Member for Leicester, who in the handsomest manner had advocated the principle of this Bill, well knew that in so doing he was speaking the sentiments of the working men of the borough he represented. The other hon. Member for Leicester was aware that if the population were polled, seven out of every ten would be in favour of the measure. Why did the right hon. Member for Nottingham resist it, but because by so doing he was complying with the wishes of the manufacturers, who were sensible that their tyranny was so oppressive that it could not stand investigation.

Mr. M. PHILIPS, had for the last fifteen years been in communication with the working classes in the manufacturing districts, and had often conferred with them on matters concerning their condition; but he had never attempted to deceive them by inducing them to believe that the Legislature had the power of curing the evils of which they from time to time complained. He remembered the course pursued in regard to the handloom weavers. He was on the Committee to inquire into their condition; much time was devoted to that inquiry, but it resulted in the conviction that the matters of complaint were beyond legislative remedy. Experience having at length convinced him that all legislation upon such subjects must prove a failure, he was not prepared to promote the present measure. Besides, it contained enactments which would, in his judgment, be destructive of the best interests of the working classes. He could not sanction an Act which said that no individual should be the owner of a frame who was not a manufacturer and capable of paying wages. He had not had any communication either with the masters or the workmen on the subject of the present Bill; he regretted he had not; because he should have been happy to have a conference with both parties. Acting on his conviction, that the Bill was of a mischievous character, he could not take any other course on this occasion than to vote against its second reading.

Sir H. HALFORD replied, and remarked upon the undisputed admission that such a degree of distress and misery prevailed among the weavers as was hardly consistent with the prolongation of life. This condition had now lasted for thirty years; and if the House did not step in to remedy it, there was every reason to fear that it would be interminable. It was too late for the right hon. Member for Nottingham to argue that inquiry would excite vain hopes, because those hopes had been excited when the Commission was appointed. The question, then, was, whether the House by refusing inquiry was to disappoint those hopes. He had been accused of recommending hasty and crude legislation; but the matter ought not to have been in his hands at all, but in those of the Government. He had, however, been induced to take up the subject, because he lived among the people, and could not but be a witness of their sufferings; he felt it his duty to do what he could to relieve them, and to place them in such a state as to prevent the recurrence of their miseries. He did not require that the Bill should be passed without the most deliberate consideration: if it were crude, he was anxious that it should be matured by the Committee.

The House divided on the question that the word "now" stand part of the Question:—Ayes 58; Noes 77: Majority 19.

List of the Ayes.

Bankes, G.
Bennet, P.
Bentinck, Lord G.
Beresford, Major
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Bramston, T. W.
Buck, L. W.
Clive, Visct.
Cole, hon. H. A.
Colville, C. R.
D'Eyncourt, rt. hon. C.
Douglas, J. D. S.
Duncombe, T.
Duncombe, hon. O.
Du Pre, C. G.
Easthope, Sir J.
Egerton, W. T.
Egerton, Sir P.
Farnham, E. B.
Fielden, J.
Ferrand, W. B.
Floyer, J.
Forbes, W.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
Gladstone, Capt.
Granby, Marq. of
Harris, hon. Capt.
Hildyard, T. B. T.
Hughes, W. B.
Manners, Lord C. S.
Manners, Lord J.
Miles, W.
Morris, D.
Newdegate, C. N.
Newport, Visct.
O'Brien, A. S.
O'Brien, J.
Palmer, G.
Rendlesham, Lord
Rolleston, Col.
Round, C. G.
Seymer, H. K.
Sheppard, T.
Sibthorp, Col.
Spooner, R.
Stanley, E.
Stansfield, W. R. C.
Tollemache, J.
Trollope, Sir J.
Verner, Sir W.
Vyse, H.
Waddington, H. S.
Wodehouse, E.

TELLERS.

Halford, Sir H.
Packe, C. W.

List of the Noes.

Adderley, C. B.
Bannerman, A.
Barrington, Visct.
Bentinck, Lord H.
Berkeley, hon. C.
Bowring, Dr.
Brotherton, J.
Brown, W.
Buller, C.
Burke, T. J.
Byng, rt. hon. G. S.
Carew, W. H. P.
Collett, J.
Corbally, M. E.
Craig, W. G.
Dalrymple, Capt.
Dennistoun, J.
Divett, E.
Dodd, G.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Escott, B.
Esmonde, Sir T.
Evans, W.
Forster, M.
Gibson, rt. hon. T. M.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Hamilton, Lord C.
Hanmer, Sir J.
Hawes, B.
Heneage, G. H. W.
Hill, Lord M.
Hobhouse, rt. hn. Sir J.
Hume, J.
James, Sir W. C.
Labouchere, rt. hon. H.
Lincoln, Earl of
Macaulay, rt. hon. T. B.
M'Carthy, A.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Mostyn, hon. E. M. L.
Ogle, S. C. H.
Pakington, Sir J.
Parker, J.
Philips, G. R.
Philips, M.
Pinney, W.
Powlett, Lord W.
Price, Sir R.
Ricardo, J. L.
Rice, E. R.
Rich, H.
Roebuck, J. A.
Rutherfurd, A.
Scrope, G. P.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, Sir W. M.
Stanton, W. H.
Strutt, rt. hon. E.
Thornely, T.
Trelawny, J. S.
Tufnell, H.
Turner, E.
Walker, R.
Ward, H. G.
Wawn, J. T.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wood, Col. T.
Wyse, T.
Yorke, H. R.

TELLERS.

Ellis, W.
Gisborne, T.

Second reading put off for six months.

[Seduction and Prostitution.—The second reading of this Bill was discussed, while strangers were excluded from the House. After a Motion to read it a second time that day six months had been made and withdrawn, the Bill was read a second time and referred to a Select Committee.]

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, June 10, 1847.

Minutes.] *Sat first.*— The Duke of Northumberland, after the Death of his Brother.

Public Bills. 1ª Church Temporalities Acts Amendment (Ireland); Poor Removal Act Amendment; Soap Allowances; Stage Carriages, &c. Duties.

2ª Quakers' and Jews' Marriages; Bishopric of Manchester, &c.; Loan Discount; Punishment of Vagrants (Ireland).

Reported.—Turnpike Roads (Ireland); Lunatic Asylums (Ireland).

3ª and passed :—Representative Peers (Scotland).

Petitions Presented. From the Rev. Thomas Silver, Vicar of Charlbury, against the Clergy Offences Bill.—From Edward Weaver, a Prisoner in the Queen's Bench Prison, for the Abolition of Imprisonment for Debt.

BISHOPRIC OF MANCHESTER.

Order of the Day for the Second Reading read.

The Marquess of LANSDOWNE said, that in moving the Second Reading of this Bill, he should trouble their Lordships with a few observations, for the purpose of explaining its nature. The propriety of carrying into effect the consolidation of the two bishoprics of St. Asaph and Bangor had occasioned considerable diversity of opinion in that House; and for several years the question had been the subject of discussion both there and elsewhere; but there was but one opinion with respect to the propriety of the object which was intended to be obtained from the consolidation, namely, the creation of a bishopric of Manchester. All their Lordships who had the interests of the Church and of religion at heart could have but one feeling upon the desirableness of creating a new bishopric in a part of the kingdom remarkable for the growth of its population, its central position, and its connexion with a great variety of bodies and professions. It had been subsequently thought right to leave the Welch bishoprics, with some slight alterations, in the same situation as heretofore; but it also appeared indispensable to couple with that continuation the creation of a new bishopric in the quarter to which he had alluded. Happily the means existed of supporting this new episcopal dignity out of funds consecrated to objects of episcopal maintenance. Under the management of the Ecclesiastical Commission, which had now sat many years, such a surplus revenue had accumulated as afforded the means of creating the new bishopric of Manchester without expense to the public. It had been considered inexpedient to add to the number of Prelates in that House; and no addition to the number of their Lordships' House would be made in consequence of the creation of the new bishopric. The first Bishop of Manchester would succeed to a seat in their Lordships' House when, by death or otherwise, a vacancy occurred in one of the other bishoprics; thus, a bishop, when appointed, would not have a seat in their Lordships' House until a vacancy took place. This would be the general rule, but it was not without exception; because it was thought desirable that certain bishoprics, from their importance, their historical character, and the position they occupied in the country, should always be represented in that House. These were the archbishoprics of Canterbury and York, and the bishoprics of London, Durham, and Winchester. When a vacancy occurred in any of these sees, the bishops appointed to them would be immediately admitted to seats in their Lordships' House. With respect to the see of Manchester, the limits of which were accurately stated in the Bill, it would contain a population of 1,123,000 souls; and it comprised an area of 1,220 square miles. The effect of creating the new bishopric would be greatly to relieve a bishopric already much overburdened—the see of Chester. But, although that would be reduced, it would still remain a bishopric of great dimensions in respect of population and extent. The Bill also created a new archdeaconry of Liverpool, which would be annexed to the see of Chester. The sum of 3,000*l.* per annum was already available for the maintenance of the new bishopric, and this would shortly be augmented by a further sum of 1,200*l.*, which would make the income of the see of Manchester 4,200*l.* per annum, the amount which the Ecclesiastical Commissioners recommended as the proper income of the new see. Some of the provisions of the Bill related to the endowment of new deaneries and archdeaconries; but the main object of the Bill was to provide for the creation of the new bishopric. He should not have moved the second reading of the Bill in the absence of the most reverend Prelates and the Bishop of London, if they had any objection to it; but, as that was not the case, he would move that the Bill be now read a second time.

Lord MONTEAGLE would not have opposed the Bill if it had been simply confined to the establishment of a new bishopric of Manchester; but there were other matters, both introduced into the Bill and omitted from it, upon which he very materially differed with the promoters of the measure. For instance, it was not accompanied by any provision for the augmentation of the incomes of the parochial clergy in North Wales. The Commission which sat on the Ecclesiastical Revenues in 1835, and which was composed of the heads of the Church and some of the chief Members of Sir R. Peel's Government, recommended such augmentation. On the change of Government the Commission was renewed, and the new Commission made the same recommendation. But it was considered that the funds at the disposal of the Commission were not sufficient, and therefore they were devoted to endowing the proposed see of Manchester. He had much regretted at the time that that resolution had been come to; and he wished he could now have seen the object originally intended carried out. He wished that such a provision had formed a part of the present Bill. But he did not merely complain of this omission; he also objected that the Bill contained a new and a most important provision. Not only were four new sees to be created which were not recommended by the Ecclesiastical Commission, but they were also to be excluded from seats in Parliament. It was true, if he rightly understood his noble Friend, that the bishops were afterwards to pass from this species of episcopal noviciate to the full completion of their episcopal character by their having seats in Parliament. He did not see, however, how the sort of arrangement proposed by the noble Marquess could be carried into effect. As to the proposal to erect Manchester into a bishopric, he thought there could be no objection to it. When the enormous mass of population growing up in and around Manchester was considered, the necessity of such a measure must be seen at once. But in North Wales there was a great want of clerical aid. The Dissenters vastly predominated there in consequence of there not being clergy enough, and also in consequence of their deficient incomes. Whilst by this Bill they were about to cure one of these evils, they were going to perpetuate the other. He regretted also that such a subject should have been brought forward in the shape of a Bill at such a time, just at the close of a Session, and almost at the close of a Parliament.

Lord STANLEY would be very sorry if any words that might fall from him on the subject should interfere with the progress of a measure which he considered to be of the highest importance to the best interests of that part of the country with which he was connected. He hoped, however, his near connexion with the district in which the new diocese was to be erected, would be considered a sufficient justification for him if he trespassed for a few moments on their Lordships' attention. He had agreed on a former occasion with the noble Lord who had just sat down in regretting the resolution that had been come to, by which the resolution of the Commission with respect to the union of the two sees was reversed; and he still continued of the same opinion. He was satisfied that those who in that instance yielded to what he had no doubt was the prevailing opinion out of doors, would find that still greater evils would ensue from the concession than would have accrued from a refusal of it. The two sees in question would stand forth in invidious comparison both with regard to emoluments and duties with almost every other see in the kingdom. But he did not deny the force of opinion both in and out of that House, among some of the warmest friends of the Church, in favour of the retention of those two sees; and, although he regretted the decision of the Government, he did not feel warranted in opposing this measure on any ground connected with that question. The object the Bill was intended to effect, was one of deep and vital importance. Such a measure was absolutely necessary. He was sure it would be universally admitted that there was no Prelate on the Bench who laboured more studiously, diligently, or successfully in promoting the cause of religion, and extending its influence, than the right rev. Prelate who presided over the see of Chester—that see so overwhelmingly extensive, and in some parts of which episcopal supervision was so especially necessary. But he believed that right rev. Prelate would himself be the first to admit that the duties of his diocese were so extensive and laborious as to be more than could be performed by any one Prelate, however fit or able. And the new bishopric of Manchester, embracing as it would a population of considerably above a million, and extending over a vast area, would, even when separated from the see of Chester, be quite sufficient to justify its being erected into a separate see. Before proceeding to notice the objections he entertained, on principle, to parts of the Bill, he begged to say, that but for a circumstance which he would state to their Lordships, he should have felt it his duty to propose a clause in the Bill with a view to imposing on the dean and chapter a more strict performance of their duties, according to their charter. But he had the high satisfaction of stating to their Lordships, that after the discussion that took place on the petition which he had had the honour to present, complaining of the non-observance by the dean and chapter of the duties which were morally if not legally imposed on them, an arrangement had been entered into between that body and a considerable portion of the petitioners, which certainly appeared to him to reflect great credit on the disposition of the former to meet the wishes of the latter; while, at the same time, it seemed to a great extent to remedy the grievances complained of. The principal complaint was of non-residence. An arrangement had been made, the result of which was an offer on the part of the chapter so to remodel their existing statutes as to make the obligation of residence as binding in law as it was intended to be by the chapter; and, further that each individual member of the chapter should take charge, in future, of one of those now ill-provided townships in the parish of Manchester, and that thus, in addition to his character of a member of the chapter, each person should take the duty of a parochial minister. He had further the satisfaction to state that arrangements had been made by which the surplus revenue of the chapter would be rendered available for improving the parochial condition of the great parish of Manchester; and likewise it was material the House should know, that the chapter had set apart a considerable sum for building purposes; and the effect of this was, or soon would be, to relieve the district churches of double fees. In making this statement he begged it, however to be distinctly understood that this neither went to support or interfere with the necessity of providing an episcopal jurisdiction for the district of which Manchester was the centre. It was true that the circumstance to which he referred had no immediate connexion with the Bill before their Lordships, but he thought it right to mention the matter—it was due to the chapter to do so, and he hoped that the example which they had set would not be lost on other ecclesiastical bodies. The objection taken by his noble Friend to the principle of the present measure was, that it would have the effect of introducing a novelty to which he was opposed, that of appointing bishops in England, without giving them seats in that House. In that objection he, to a considerable extent, concurred. He had formerly said, and he now thought it right to repeat the opinion, that the whole plan of the Government ought to be propounded to the House before any special case was brought under their consideration. Instead of proposing to deal with Manchester by itself, they ought to bring forward their entire plan, and at once put the House in possession of how far and in what directions they proposed to extend the episcopal system of England. According to the Bill then before their Lordships, a new bishopric would be created, and the bishop to whom it was to be given was not to have a seat in that House. But then, eventually, four new bishoprics were to be created, and not any of these bishops were, in the first instance, to have seats in that House. The Government, however, had not informed Parliament how much further they thought it would be necessary to carry the measure —they had not stated precisely what was to be the extent of their plan, or how many were eventually to hold seats in that House. If the Government would state that no more than four bishops were to be created, there would then, perhaps, be no objection to confer upon those four prelates seats in their Lordships' House; but there would be a great objection to conferring seats in Parliament upon as many as twenty-six. It would never do to appoint one bishop now with a seat in Parliament, and in a few years hence another also with a similar privilege, and then soon afterwards another and another. He understood the proposed arrangement to be, that four bishops were to be appointed; that for the present none of those prelates were to have seats in the House; but that, considering them as an integral portion of the whole bench of bishops, the four junior prelates, to whatever see they might belong, should always in future be without seats in Parliament, leaving the whole number of spiritual Lords unchanged, but giving the holders of the four new bishoprics the right of sitting in rotation with the other prelates, according to seniority. If, as some thought, there would be inconvenience in adding one, two, or three bishops to the House of Lords, there would obviously be a much greater inconvenience if the augmentation of bishops were to be considerable. There were some who thought that not four, but four-and-twenty bishops, ought to be created; at the same time, no one thought that such an addition as that ought to be made to the numbers of their Lordships' House. Suppose it was thought necessary that there should be forty-eight bishops, and that half that number should have seats in the House of Lords, then might not the half of those bishops be suffragans to the original sees, they being without seats in that House, and each bishop in chief having, as before, a seat in Parliament? If they adopted a different plan—that was to say, if they allowed some bishops to possess seats in Parliament, and excluded the junior bishops, then one effect would be that they would lose the assistance of prelates in the prime of life, and none except the elder bishops would enjoy seats in that House, although every one admitted that important duties belonged to bishops as Lords of Parliament. He passed by the contrast that even persons friendly to the interests of the Church would, in some cases, be disposed to perceive between the manner in which the episcopal functions were discharged by bishops who had seats in the Upper House, and those who had not; but every one must see that those whom the present Bill excluded from Parliament would be men at the most active period of life. He knew that to the suggestion which he was inclined to make, there existed some strong objections; and he was conscious that his offering it to their Lordships savoured somewhat of presumption; but the question before them was one of great importance, which he thought would fully plead his excuse. In this case there were two conflicting difficulties. It was necessary that there should be a large increase of the number of bishops; and there would be an obvious inconvenience in excluding from the House of Lords the junior bishops. To him it appeared that this evil might be got over by recurring to the practice of old times; and, acting under the sanction of an unrepealed law, they might have a certain number of suffragan bishops, equal as amongst themselves, but without seats in Parliament, the chief prelate of each see remaining, as before, one of the Lords spiritual. The several bishops would then have, as in ancient times, the aid of a suffragan; and, during the attendance of the bishop in Parliament, the interests of the see would not suffer by the want of his presence, for his suffragan would of course be authorized to exercise all the episcopal functions. To the adoption of such a system, he knew there were some objections; but to its extension there were certainly no limits, except the difficulty of procuring the means of endowment. He would not say that no endowment was required; but he might be allowed to observe that those who thought the suffragan bishops ought to be selected from amongst the most wealthy of the beneficed clergy of the dioceses to which they belonged seemed to overlook this, that restricting the choice to that class would very inconveniently circumscribe the power of selection, and might have the effect of excluding many persons from the office of suffragan, who might be much better qualified for its duties than those who happened for the time being to hold the richest benefices in the diocese. In his opinion, they need not at present be over-solicitous on the subject of endowments. If they laid down a good plan for the extension and improvement of the Church, they might confidently reckon on the support of the friends of the Church, and funds would not be wanting. A large, broad, and extensive scheme ought to be laid down; and there should be no legislation by little and little. Every one knew that there existed in this country so strong a feeling in favour of the Church, that hardly any amount of aid would be wanting. If an appeal were made to the Churchmen of England, he entertained not the least doubt that they would respond to it in such a manner as to put an end to all solicitude on the subject of endowments. It appeared to him infinitely more satisfactory and advantageous in every respect, if they were to have only two descriptions of bishops: one having an absolute superintendence and control of the dioceses, each bishop having equal rights and privileges with the other, and entitled to a seat in that House; and the other class suffragans, with equal rights amongst themselves, but without seats in that House. He thought it was most important that they should now consider the principle upon which they proposed permanently to act. It was not his wish to offer any opposition to the second reading of this Bill. He concurred in the main principle. He, however, earnestly begged the Government to consider what might be hereafter the possible requisitions of the Church, and not lead the public to believe that a mere addition of four bishops would meet the spiritual exigencies of the Church of England. They must contemplate at some future period a large increase in the number of bishops. This, therefore, was the time when they should make up their mind under what circumstances and to what extent the increase must be made, and also to take into consideration the question respecting the occupation of seats in the House.

LORD BROUGHAM reserved to himself the right of proposing an alteration in the clause by which the new bishop was excluded from the House, as he thought the addition of only one to their Lordships' House was not a matter of so much importance as to require his exclusion. He must say, however, that if they made the Bishop of Manchester because the Bishop of Chester was overworked, they ought on the same grounds to divide the diocese of London.

The BISHOP of SALISBURY said, he was not a member of the Commission on whose report this Bill was founded, and as he had seen the Bill for the first time that morning, he had had only very little time to consider its provisions. He regretted that a Bill on a subject of so much importance, and involving questions of much nicety, had not been submitted to the careful consideration of the whole of his Brethren on that bench. But, nevertheless, he believed that the principle of this Bill was assented to by almost every one of the right rev. Prelates; and he would not refuse to the Government his acknowledgments, and which he had no doubt they would receive from the great body of the most attached members of the Church, for having had the courage to enter upon the consideration of this question, and to introduce this Bill. The noble Lord opposite (Lord Stanley) had expressed very strongly his sense of the great necessity for an increase in the number of bishops; and his belief that if that increase was not to go beyond the number contemplated in that Bill, there need not have been any difficulty in giving the new bishops seats in that House. He regretted very much that the noble Lord had entertained so different a view on this subject when he was himself a prominent Member of Her Majesty's Government; and when, therefore, had he held the opinions he had now expressed, he was in a position to bring forward with advantage a measure to carry them into effect. But the noble Lord had at that time used very different language, as must be very clearly in the recollection of many Members of that House. He did not for a moment deny that the question was encompassed with many and great difficulties; but he questioned the efficiency of the mode proposed by the noble Lord who had just spoken, for providing for the admitted necessity of increased episcopal superintendence. His own opinion upon the matter was, that the appointment of suffragan bishops would not be found, in its operation, satisfactory for the purpose for which they would be required. The evil which was most generally felt, under existing circumstances, was, that there was too little opportunity of intercourse between the bishop of a diocese, and the members of the Church, both clergy and laity, under his jurisdiction. The creation of suffragan bishops would be only to increase the evil which was now so much complained of. They could only exercise that power which was committed to them by the bishops under whose commission they would act. So far as they exercised episcopal functions at all, they would replace the diocesan bishops in that respect; and the bishops would be thereby still further removed than they were now from personal contact with those over whom they would still exercise jurisdiction in all matters which came under their episcopal superintendence. Such a system would be found to be pregnant with objections and difficulties greater than those which could attach to this measure. It could not be denied, that to augment the number of bishops without giving them seats in that House, was objectionable; but under the pressure of the existing evils, from a deep sense of the extreme wants of the Church in that respect, and under the conviction that the choice placed before them was, either to rest contented with the existing number of bishops, or to assent to the proposition for increasing that number without augmenting the number of those who had seats in that House, he believed that it was their duty to the Church of which they were the spiritual superintendents—to those whose spiritual edification they were bound by the most sacred obligations to attend to—to make the latter choice, as the best for the welfare of the country, and for the Church of which they were the ministers. He was by no means insensible to the difficulties attending this subject; but he should, nevertheless, give his cordial assent to the Bill then before their Lordships.

EARL FITZWILLIAM agreed in many of the opinions expressed by his noble Friend, and especially in the observations he had made upon one bishop only being excluded from a seat in their Lordships' House. He did not quite understand upon what ground it was assumed—and yet assumed it must be—that twenty-six were precisely the number of spiritual Lords who should have seats in that House. Considering the great increase in the number of temporal Peers, it might have been supposed to be just possible that a small increase of two, three, or four spiritual Peers would not be productive of any great evil. In the diocese now about to be created, there was a population of upwards of 1,000,000; and he was certain that the next diocese they would be called upon to divide, unless it was the metropolitan, would be the new diocese of Manchester. If it had been stated that there would be only an addition of one, or even four bishops, he very much doubted whether there would have been any great apprehension entertained; but it must have been felt by the Government, as it was by his noble Friend opposite, that that number was a very inadequate reinforcement of the episcopal establishment of the Church. He doubted, however, whether the appointment of suffragan bishops would answer the purpose. His own inclination was to see a very large addition to the number of bishops, for he was satisfied, that unless a very considerable subdivision was made of the more populous dioceses, the superintendence of the clergy by the bishops must still remain very inadequate; but he should be inclined to deal with that addition in a very different manner from that proposed by his noble Friend. If a large number of bishops was added to the present number, there might be some objection to giving them all seats in that House; and his notion would be that they should sit by rotation, the result of which would be, that all who had sees would, at no distant period, have seats within those walls. He was the more inclined to that Motion from having observed that the most active of the bishops were amongst the junior members of the right rev. Bench; who therefore would, by that plan, be not so long excluded from sitting in that House as if they were only to succeed to vacancies as they occurred.

The Bishop of OXFORD must inform the noble Earl, that five or six of his right rev. Brethren had taken their seats on the episcopal bench earlier than he had himself; and, moreover, that he was much nearer to the mystic age which the noble Earl seemed to think a clergyman should have attained before he could be a bishop, than the noble Earl supposed. He was anxious, before their Lordships closed the consideration of this great subject, to tender his hearty acknowledgments to the Government for having introduced this Bill, without at all pledging himself to all its details. There was, indeed, something approaching the principle of it to which he could not entirely assent; but he thought that the whole nation owed great thanks to the Government for not having thrown cold obstruction in the way of what was proposed—for not having advised Her Majesty to adhere to past recommendations, which the recommenders themselves had withdrawn—and for having giving their hearty consideration to the great necessity for increased episcopal superintendence, and the manner in which that necessity could be met—and for having proposed a substantial and practical measure upon the subject. A deep debt of gratitude was due to the Government for the course they had taken; but he was bound to say, that he thought there were some great objections to the plan that was now proposed. He felt very strongly some of the objections stated by the noble Lord opposite (Lord Stanley); but, when they spoke of the difficulty of this subject being confined to the question of seats in that House, he was anxious that that should not go forth to the public without one or two things being attended to. The first objection to additional bishops having seats in that House was, the necessity it created of those bishops having a large income. Now, he begged to state to their Lordships, that it was not having a seat in that House that entailed upon the bishops the necessity of a large income. It was the hospitality which the bishop was bound to exercise in his own diocese, and which was essential to his maintaining that degree of personal intercourse with those who were in communication with him, which was so desirable, seeing them day by day in that kind of intercourse in which men's characters were to be moulded. It was in that respect, that, taking the extent of the dioceses as they were at present, a large income was required; and he thought that Parliament had acted wisely in assenting to the amount of the revenues of the bishops for the sustentation of the episcopal office. They could not, therefore, get rid of the difficulty of providing revenues for the support of additional bishops by the exclusion of them from seats in that House. Then, another point of apprehension was, that to give the bishops a seat in that House, was to invest them with more power. He believed that, on the contrary, their seats were a great qualification and drawback upon their power. Touching, as the English bishop did, so large a class of the community—being brought into contact with them upon the most deeply important spiritual concerns—he believed that instead of the powers they now possessed being restricted by the liability to which they were subject of being questioned and treated in that House like other public men, they would have greater powers of a more dangerous kind if they had not such seats. He might mention an instance of a tyrannous use of the power of a bishop, in refusing to ordain a person who would not subscribe to certain articles. A question respecting it was put to the bishop in his place in Parliament, and that tyrannous exercise of power was prevented. But there was another great advantage from their having seats in that House. It brought them naturally into intercourse and intimacy with those, who, from their condition of life, took the widest views of the condition of the people; and he thought the advantage resulting to the Church and the nation more than made up for any loss they might sustain from the want of immediate spiritual authority. He thought one of the great fundamental difficulties in assenting to this Bill was, that they were practically providing that there should be no increase beyond four in the number of bishops. This was the great and pressing practical difficulty; and he admitted that his own desire would be to pass this Bill with the greatest unanimity, after certain amendments on those points which made it restrictive of the further extension of the episcopacy. He thought that the Bill should form a bishopric of Manchester, he should say, with a seat in that House, and leave for future consideration the question of the extension of the episcopacy; for in a Church where the episcopacy was a distinguishing feature, the system could not work where the episcopacy was neglected.

The BISHOP of BANGOR offered his best thanks to Her Majesty's Government for the measure they had brought forward; although, when it went into Committee, he would state a few objections to its details.

EARL POWIS was understood, as a Churchman, to thank the Government for this boon.

The MARQUESS of LANSDOWNE, in reply, said he was not aware that it was necessary for him to offer any observations, as there was no intention of opposing the second reading. He would only remark that the objections of the noble Lord opposite (Lord Stanley), and of the right rev. Prelate (the Bishop of Oxford), were of an entirely opposite character; but he agreed that it was impossible to stop with this Bill. To promote the efficiency of the Episcopal Establishment, reform must be carried further; and it was with this view that the Government had thought it necessary to express distinctly in this enactment that three more bishoprics besides that of Manchester, should be looked forward to at no distant period, as the funds were rapidly accumulating out of which they could be sustained. And when the right rev. Prelate said, that by assenting to this Bill they were barring their power of carrying a further increase of the episcopal bench, he thought it would be impolitic now to contemplate the creation of a large number of new bishops. With respect to this Bill, he was desirous of naming an early day for a Committee on the Bill; and he was also desirous of the attendance of the most rev. Prelate at the head of the Church; and he would name that day se'nnight, subject to the convenience of the right rev. Prelates.

Bill read 2ª.

House adjourned.

HOUSE OF COMMONS,

Thursday, June 10, 1847.

MINUTES.] NEW WRITS.—For Derby, *v.* Viscount Duncannon, now Lord Ponsonby.—For the County of Cork, *v.* Daniel O'Connell, Esq., deceased.

PUBLIC BILLS. 1° Port Natal Collection of Duties; Lunatic Asylums (No. 2); Tithes Commutation; Joint Stock Companies; Representative Peers (Scotland).

2° Lunatic Asylums (No 2).

Reported.—Destitute Persons (Ireland, No. 2); Herring Fishery (Scotland).

3° and passed:—Prisoners' Removal (Ireland); Newfoundland Government; Passengers' Act Amendment; Highway Rates; Out Pensioners (Chelsea and Greenwich).

PETITIONS PRESENTED. By Mr. T. Duncombe, from Liverpool, for Alteration of the Law respecting the Registration of Voters.—By Mr. G. Hamilton, from three places in Ireland, for Alteration of the Church Temporalities (Ireland) Act.—By Sir R. H. Inglis, from Burton-upon-Trent, against the Encouragement of Idolatry in India.—By Sir W. Codrington, from Clergy of Gloucester and Bristol, for the Better Observance of the Lord's Day.—By Sir R. H. Inglis, from Committee of the West of England Protestant Alliance, against the Roman Catholic Charitable Trusts Bill.—By Mr. T. Duncombe, from Leicester, against the Use of Grain in Breweries and Distilleries.—By Mr. Watson, from Attorneys, Solicitors, and Proctors, against the House of Commons Costs Taxation Bill.—By Mr. Pusey, from several places, in favour of the Agricultural Tenant Right Bill.—By Mr. Barnard, and Sir FitzRoy Kelly, from several places, for Regulating the Qualification of Chemists and Druggists.—By

Mr. Watson, from Solicitors of Liverpool, for Inquiry in relation to the Court of Chancery.—By several hon. Members, from various places, for Alteration of the Proposed Plan of Education.—By Mr. G. Palmer, from Thomas Ford, a Prisoner in the Queen's Prison, Surrey, for Inquiry into his case.—By the Earl of Lincoln, and other hon. Members, from several places, in favour of the Health of Towns Bill.—By Mr. Grogan, from Dublin, for Alteration of the Law of Landlord and Tenant (Ireland).—By Mr. T. Duncombe, from Richard Barneby, Clerk of St. Leonard's (Sussex), for Inquiry respecting Lunatics and Lunatic Asylums.—By Mr. Escott, from Michael Meade, of Bridge-street, Winchester, for Inquiry respecting his Trial.—By Mr. G. Berkeley, from John Davis, of Gloucester, Machinist, alleging a Discovery of the Measurement of the Circle.—By Mr. Mildmay, from Medical Practitioners of Southampton, against the Medical Registration and Medical Law Amendment Bill; and by Mr. Bannerman, and Mr. T. Duncombe, from several placess, in favour of the same.—By Mr. Chapman, from Masters of British Merchant Vessels, against the Repeal of the Navigation Laws.—By Mr. Duncan, from Dundee, for Alteration of the Poor Law (Scotland) Act.—By Mr. R. Palmer, from Newbury (Berks), for Repeal or Alteration of the Poor Removal Act.—By Mr. Bankes, from Leeds, in favour of the Poor Removal Act Amendment Bill.—By Captain Hatton, from Wexford, and Mr. J. O'Brien, from Limerick, in favour of the Railways (Ireland, No. 2) Bill; and by Lord G. Bentinck, from Chairman, Directors, and Shareholders of the Midland Great Western Railway Company of Ireland, for Participation in the same.—By several hon. Members, from Farmers and Graziers of various places, against the Removal of Smithfield Market.

RAILWAY BILLS—ADJOURNED DEBATE.

The Adjourned Debate on the Resolutions relative to Railway Bills was resumed, and the Question again put as recorded in the report of yesterday's debate.

Mr. R. HODGSON moved the insertion, after the word "Bill," of the following words—"or where the Bill shall have been referred to a Committee, but the case of the promoters shall not have been opened"—with the view of bringing such Bills within the operation of the resolution.

Resolution and Amendment agreed to, with the conditions annexed to it.

Second resolution read.

Mr. GISBORNE was not disposed to oppose the resolutions; but his opinion was, that they would not relieve the House from the mire of railway legislation in which it had been floundering all the Session. Nothing would do that but instituting proper forms of proceeding suitable to the mixed nature of railway business, which was partly judicial and partly legislative, and appointing a proper tribunal to judge on the subject. He had given notice of his intention to bring this matter under the notice of the House when the Railways Bill should be brought forward; and, though he took the proposition of the present resolutions as an intimation that the Railways Bill was abandoned, he did not think the present, considering the state of the House, a convenient opportunity for discussing the subject to which he had just adverted. He would just observe, that the other day the First Commissioner of Railways was left in a minority in the House on a division upon a Railway Bill, where the question involved the extension of the broad gauge; the reason being, that hon. Members felt they knew nothing of the merits of the case, and therefore followed the decision of the Committee on the Bill.

Mr. R. HODGSON thought it would have much relieved the pressure upon the money market, if it had been resolved that there be inserted in every Railway Bill passed in this Session a clause prohibiting compulsory calls being made more frequently than once in six months; and if an Act were passed extending by two years the period for the construction of works already authorized.

Resolution agreed to.

On the Fourth Resolution, for inserting a clause "in every Railway Bill in the present and every future Session," prohibiting the payment of interest or dividends in respect of calls, out of the capital authorized to be raised,

Mr. B. DENISON felt that the manner in which railroad legislation had been conducted in the House was a discredit to it; and he believed the House would continue to be in a scrape with the public until an efficient tribunal should be formed. This resolution was a most unfair one. A number of deeds had been signed by parties a year or two years ago, in which it was stipulated that interest should be paid from time to time upon calls, as they were paid up; it was now proposed to compel directors to break faith with such subscribers, and thus enable these latter to refuse to proceed. The practice complained of had been allowed and encouraged by Parliament in Bills it had heretofore passed. He would move, as an Amendment, to strike out the words "in the present and every," and insert "introduced for the first time in any."

Mr. RICARDO considered the insertion of a clause allowing interest to be paid upon calls out of capital to be "a delusion and a snare." It only led people to believe that they were investing their money instead of speculating. He had always in Committee on any Bill struck out that clause. If it was left in a Bill, the effect only was, that when directors wanted to call for 2*l.* 10*s.* they called for 2*l.* 15*s.*, and the shareholder paid so much more in order to receive part of it back again. He was, unfortunately, chairman of 150 miles of railway—the North Staffordshire line—and finding that some proprietors were in favour of having interest paid upon calls, he sent a circular to every shareholder, asking his opinion, and the majority were against such a course. He was glad to find that companies based on a fair and sound principle would not now be exposed to a disadvantage as compared with others.

Mr. C. RUSSELL maintained that this practice as to payment of interest to shareholders was consistent with the course adopted in various commercial enterprises. The insertion of the clause which it was sought to omit in future, had proved most beneficial; those who were seeking permanent investments were just those who attached most importance to the clause. It was this that, early in the history of railway enterprise, procured the most healthy class of subscribers, and caused many undertakings to be carried out which must otherwise have been dropped. But if the House was resolved to impose this resolution upon the parties connected with railways, it would, at all events, be unjust to give it a retrospective character.

Mr. HUME thought the principle of paying interest on the capital of railways before profits could accrue, was a fraud on the Legislature, and a bait held out to ignorant persons for the purpose of inducing them to engage in speculations which they would otherwise avoid.

Mr. HUDSON had heard with great surprise the objection which had been taken to this resolution. It was said by his hon. Friend the Member for Reading (Mr. C. Russell), that the payment of interest on calls had been the means of bringing capital into several large undertakings. In the north of England, the principle was a very novel one; but there were cases in which it had been followed. Yet, to take money out of the one pocket to pay it into the other, was surely an absurdity. All he wished was, that the House would come back to the sound principles on which all commercial transactions ought to be conducted. He could not approve of holding out any unfair inducements to parties with the view of leading them to embark their capital in undertakings, to the real soundness of which they ought rather to look. This was one object of the resolutions; he approved of that which was now under the consideration of the House; and he trusted the Amendment of the hon. Member for Yorkshire (Mr. B. Denison) would not be adopted.

Sir G. STRICKLAND disapproved of the payment of interest out of capital before any profit could be received. But could the House properly exclude the clause authorizing such payment from Bills which had already gone through Committee, and in cases where parties had signed the contract on the clear understanding that a clause giving them immediate interest on their capital would be embodied in the Bill for which the directors applied? He felt compelled to come to the conclusion, that, under such circumstances, they could not fairly substitute another clause withholding interest on calls.

The CHANCELLOR of the EXCHEQUER observed, that the question was whether, when all concurred in thinking the existing practice should not be continued, and the House had it in its power to act upon a different principle in regard to Bills introduced this Session, they would persevere in sanctioning that of which they disapproved. It was imagined that they were doing something unfair towards parties who had signed contracts on condition of receiving the benefits of such a clause as that which it was now proposed to exclude from Railway Bills. His answer was, that supposing the Committee on any Bill had thought proper to refuse the power of paying interest out of capital, no charge of unfairness could have been made. It was evident that many Committees would have refused such powers without any regulation on the subject; and the hon. Member for Stoke-upon-Trent had stated, that in Committees of which he had been a Member the clause allowing interest out of capital had been struck out when he objected. It was only within the last two or three years, since the construction of railways had become of a much more gambling or speculative character than before, that it had been found necessary for railway directors to obtain the power given by such a clause. In all other undertakings, whether in mining, agriculture, manufactures, shipping, or whatever their nature, parties received no interest on their investments till profits were realized, and there appeared to be no reason why an exception should be made in favour of railways.

Mr. GROGAN regretted that this question had not been raised at an earlier period of the Session. The illusory practice of paying interest out of capital, every one seemed anxious to prevent; but it must be borne in mind that Bills had proceeded a certain length with the provision which the resolution struck against. In attempting to introduce a sound principle, they might commit gross injustice. He thought all Railway Bills should in future be framed without a clause allowing interest out of capital. But he would vote for the Amendment.

Mr. CHAPLIN generally approved of the resolutions. He considered that they were necessary, and that they would be found a mild corrective for such evils as existed. He hoped the House would support the resolutions; but in regard to the particular question under consideration, he agreed in the remarks of the hon. Member for Dublin (Mr. Grogan).

Viscount CLIVE observed, that after the House and the Government had given their sanction to the principle of paying interest on calls, it was now proposed to turn round and tell the shareholders in railways that in the present Session they were not to receive interest on the calls which they had paid on the understanding that they were to receive interest. As regarded the present Session, the operation of the resolution would be as partial as the principle it introduced was novel.

Mr. R. HODGSON observed, that the resolution would affect very few Bills of the present Session. The practice having been sanctioned by Parliament during several years, it was not expected that a new principle would be introduced. It was a matter for consideration whether it would not be wise to extend the provisions of the Companies Dissolution Act of last Session to undertakings of the present. That Act applied only to cases where the contract was signed after a certain period.

Mr. H. J. BAILLIE did not approve of introducing such provision in the middle of the Session. It ought to have been introduced at the beginning of the Session, if at all, or made to apply only prospectively.

Mr. STRUTT, with reference to the remark that this clause imposed a hardship on those who had subscribed their contracts on the understanding that their directors were to apply to Parliament for powers to enable them to pay interest out of the capital, said, that these parties ought to have borne in mind that their directors had no right to take it for granted that they would get such a power. The hon. Member for Stoke-upon-Trent (Mr. Ricardo) had told the House that he had struck the clause containing that power out of every Bill that came before him without any complaint whatever; and it was obvious that it depended on the discretion of the Committee whether such a clause would be allowed to remain in the Bill or not. He could not see, therefore, that there was any implied understanding that Parliament was to allow such a clause to remain in all Bills during the present Session.

Mr. R. YORKE, while concurring in the soundness of the principle laid down by the Lord Mayor of York (Mr. Hudson) as to the inexpediency of the practice of paying, as it were, for our own existence out of our own vitals, was nevertheless of opinion that, as Parliament had given its sanction to various Bills containing such a clause, it was utterly impossible to make the resolution now proposed act retrospectively with respect to those Bills which had been introduced in the strongest reliance that such a power would be granted, and but for which reliance the Bills would probably never have been heard of.

On the question that the words "originally proposed" stand part of the Question, the House divided:—Ayes 70; Noes 27: Majority 43.

List of the Ayes.

Aglionby, H. A.
Austen, Col.
Baine, W.
Bannerman, A.
Baring, rt. hon. F. T.
Bellew, R. M.
Bennet, P.
Bentinck, Lord H.
Bodkin, W. H.
Burke, T. J.
Busfeild, W.
Carew, W. H. P.
Cavendish, hon. G. H.
Clerk, rt. hon. Sir G.
Denison, J. E.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncan, G.
Dundas, Adm.
East, Sir J. B.
Ellice, rt. hon. E.
Entwisle, W.
Ewart, W.
Feilden, Sir W.
French, F.
Graham, rt. hon. Sir J.
Granby, Marq. of
Grimsditch, T.
Guest, Sir J.
Hamilton, W. J.
Hastie, A.
Hatton, Capt. V.
Hildyard, T. B. T.
Hindley, C.
Hodgson, R.
Howard, P. H.
Hudson, G.
Hume, J.
Hurst, R. H.
James, W.
Jolliffe, Sir W. G. H.
Lascelles, hon. W. S.
Lemon, Sir C.
M'Taggart, Sir J.
Mitcalfe, H.
Mitchell, T. A.
Monahan, J. H.
Mostyn, hon. E. M. L.
Mundy, E. M.
O'Brien, A. S.
O'Brien, J.
Ogle, S. C. H.
Ord, W.
Owen, Sir J.
Parker, J.
Peel, rt. hon. Sir R.
Prime, R.
Repton, G. W. J.
Ricardo, J. L.
Seymour, Lord
Shelburne, Earl of
Stanton, W. H.
Strutt, rt. hon. E.
Thornely, T.
Troubridge, Sir E. T.
Waddington, H. S.
Warburton, H.
Williams, W.

Somerville, Sir W.
Tufnell, H.

TELLERS.

Winnington, Sir T. E.
Wood, rt. hon. Sir C.

List of the Noes.

Aldam, W.
Bailey, J.
Bailey, J. jun.
Baskerville, T. B. M.
Beckett, W.
Berkeley, hon. C.
Blackburne, J. I.
Buck, L. W.
Buckley, E.
Chaplin, W. J.
Clive, hon. R. H.
Davies, D. A. S.
Fitzmaurice, hon. W.
Gill, T.
Gore, W. O.
Grogan, E.
Hamilton, G. A.
Harris, hon. Capt.
Hornby, J.
Masterman, J.
Pakington, Sir J.
Powlett, Lord W.
Russell, Lord C. J. F.
Stansfield, W. R. C.
Strickland, Sir G.
Turner, E.
Yorke, H. R.

TELLERS.

Denison, B.
Russell, C.

Resolution agreed to.

On the 6th Clause being proposed,

MR. R. HODGSON wished to know whether the Chancellor of the Exchequer meant that it was the aggregate capital, one half of which was required to be paid up and expended before exercising the powers of sale, lease, or amalgamation; or one half of the capital authorized by each particular Act?

The CHANCELLOR OF THE EXCHEQUER replied, that it was the aggregate capital that was meant.

Remaining resolutions agreed to.

The whole were as follows:—

Resolved—"That the Promoters of all Railway Bills in the present Session of Parliament, shall be empowered, on the Second Reading, or on the completion of any subsequent stage of any such Bill, to suspend any further proceeding in the present Session, with the option, under the following conditions, of proceeding with the same Bill in the next Session of Parliament, at the stage where the Bill shall be now suspended."

CONDITIONS.

First Paragraph:—

The Promoters of such Bills are to give notice in the Private Bill Office, on or before the 18th day of June; or if the Bill shall be in Committee, "and the Case of the Promoters shall not have been opened, then before the opening of their Case, or if their Case shall have opened," then within six days of the Report of the Committee, of their intention to suspend any further proceedings thereon, on the completion of some subsequent stage of the Bill.

Second Paragraph:—

The Promoters of such Bills are to give notice by advertisement for three successive weeks, in October or November, or either of them, in the London, Edinburgh, or Dublin *Gazette*, as the case may be, and in the local paper or papers usually in circulation in the part of the country through which the Line of Railway is proposed to pass, of their intention to present a Petition for the re-introduction of any such Bill.

Third Paragraph:—

Upon a Petition for leave to bring in a Railway Bill in the Session of 1848, and being referred to the Examiner of Petitions, he is to examine whether the Petition be the same in substance as any Petition for the same purpose, and from the same parties, which was presented in the Session of 1847; and, in that case, whether any Bill brought into the House in pursuance of such Petition in the Session of 1847, was pending in either House of Parliament on the termination of such Session; and if so, whether a Subscription Contract, as required by the Standing Orders, binding in the usual way the Subscribers to the Undertaking, has been entered into, and is valid at the time of such inquiry, and whether the deposit of 10*l.* per cent upon such Subscriptions is lodged in the manner required by the Standing Orders.

Fourth Paragraph:—

In such case, and on proof of such Notice having been given as aforesaid, and if it appears that such Bill had, in the Session of 1847, been suspended in the House of Lords, or in the House of Commons, or on or after the Second Reading, the Standing Orders, with respect to any such Bill, are to be held to have been complied with.

Fifth Paragraph:—

The time between the Second Reading of any such Bill and the meeting of the Committee thereon, is shortened to three clear days, the parties to give the regular notices in the Private Bill Office.

Sixth Paragraph:—

In case the Report of such Bill shall have been agreed to in the Session of 1847, the Committee on the Bill are to examine whether the Bill be in every respect the same as such former Bill at the last stage of its proceeding in the House in the Session of 1847, and in such case no evidence is to be received by such Committee; and on the reception and adoption by the House of a Report from such Committee, that the Bill referred to them is in every respect the same as such former Bill at the last stage of its proceeding in the House in the Session of 1847, such Bill may be ordered to be engrossed without any further proceeding in respect thereof.

Resolved—That the Promoters of all Railway Bills in the present Session of Parliament shall be empowered, on the Second Reading, or on the completion of any subsequent stage of any such Bill, or where the Bill shall have been referred to a Committee, but the case of the Promoters shall not have been opened, to suspend any further proceeding in the present Session, with the option, under the following Conditions, of proceeding with the same Bill in the next Session of Parliament, at the stage where the Bill shall be now suspended.

CONDITIONS.

The Promoters of such Bills are to give notice in the Private Bill Office, on or before the 18th day of June; or if the Bill shall be in Committee, and the case of the Promoters shall not have been opened, then before the opening of their case, or if their case shall have opened, then within six days of the Report of the Committee, of their intention to suspend any further proceedings thereon, on the completion of some subsequent stage of the Bill.

The Promoters of such Bills are to give notice by advertisement for three successive weeks, in October and November, or either of them, in the London, Edinburgh, or Dublin *Gazette*, as the case may be, and in the local paper or papers usually in circulation in the part of the country through which the Line of Railway is proposed to pass, of their intention to present a Petition for the re-introduction of any such Bill.

Upon a Petition for leave to bring in a Railway Bill in the Session of 1848 being referred to the Examiner of Petitions, he is to examine whether the Petition be the same in substance as any Petition for the same purpose, and from the same parties, which was presented in the Session of 1847; and in that case, whether any Bill brought into the House in pursuance of such Petition in the Session of 1847, was pending in either House of Parliament on the termination of such Session; and if so, whether a Subscription Contract, as required by the Standing Orders, binding in the usual way the Subscribers to the Undertaking, has been entered into, and is valid at the time of such inquiry, and whether the deposit of 10*l.* per cent upon such Subscriptions is lodged in the manner required by the Standing Orders.

In such case, and on proof of such Notice having been given as aforesaid, and if it appears that such Bill had, in the Session of 1847, been suspended in the House of Lords, or in the House of Commons, on or after the Second Reading, the Standing Orders, with respect to any such Bill, are to be held to have been complied with.

The time between the Second Reading of any such Bill and the meeting of the Committee thereon, is shortened to three clear days, the parties to give the regular notices in the Private Bill Office.

In case the Report of such Bill shall have been agreed to in the Session of 1847, the Committee on the Bill are to examine whether the Bill be in every respect the same as such former Bill at the last stage of its proceeding in the House in the Session of 1847, and in such case no evidence is to be received by such Committee; and on the reception and adoption by the House of a Report from such Committee, that the Bill referred to them is in every respect the same as such former Bill at the last stage of its proceeding in the House in the Session of 1847, such Bill may be ordered to be engrossed without any further proceeding in respect thereof.

Resolved—That the Deposits made in respect of all Railway Bills, the proceedings on which shall have been suspended, shall be returned to the Depositors; but that, before proceeding in a future Session, Deposits to the same amount shall be again duly paid in, according to the Standing Orders of the House of Commons.

Resolved—That a Clause shall be inserted in every Railway Bill, in the present and every future Session of Parliament, prohibiting the payment of any Interest or Dividend in respect of Calls under such Bill (except the Interest by way of Discount on Subscriptions prepaid, agreeably to 8 Vic. c. 16, s. 24), out of any Capital which they have been authorized to raise, either by means of Calls, or of any power of borrowing.

Resolved—That in all cases of application to Parliament by existing Railway Companies, either for powers to construct Branches or Extensions, or to contribute towards the expense of constructing other Lines of Railways, a Subscription Contract for three-fourths of such additional capital as may be required for these purposes, shall be given in, beyond the Capital authorized for the existing Lines, and Deposits shall be duly paid thereon.

Resolved—That a Clause shall be inserted in every Railway Bill in the present and in every future Session of Parliament prohibiting any Railway Company from paying, out of the Capital which they have been authorized to raise for the purposes of any existing Act, the Deposits required by the Standing Orders to be made for the purposes of any application to Parliament for a Bill for the construction of another Railway.

Resolved—That in every Bill of the present Session containing powers of Purchase, Sale, Lease, or Amalgamation, a Clause shall be inserted prohibiting any Company from exercising such powers until they shall have proved, to the satisfaction of the Railway Commissioners that they have respectively paid up one-half of the Capital authorized to be raised thereby, by means of Shares, and expended for the purposes of their Acts, a sum equal thereto.

Resolved—That in future Sessions of Parliament no powers of Purchase, Sale, Lease, or Amalgamation, shall be contained in any Act for the construction of a Railway.

Resolved—That in future Sessions of Parliament no powers of Purchase, Sale, Lease, or Amalgamation, shall be given to any Railway Company or Companies, unless previous to their application to Parliament for such purpose they shall have proved to the satisfaction of the Railway Commissioners, that they have respectively paid up One-half of the Capital authorized to be raised thereby, by means of Shares, and expended for the purposes of their Acts, a sum equal thereto.

Resolved—That no Railway Company shall in the present, or any future Session of Parliament, be authorized, except for the execution of its original line or lines sanctioned by Act of Parliament, to guarantee interest on any shares which it may issue for creating additional Capital, or to guarantee any rent or dividend to any other Railway Company, until such first-mentioned Company shall have completed and opened for traffic such original lines.

Resolved—That in Bills in the present, or any future Session of Parliament, for the amalgamation of Railway Companies, the amount of Capital created by such amalgamation shall in no case exceed the sum of the Capitals of the Companies so amalgamated.

Resolved—That in Bills in the present, or any future Session of Parliament, empowering any Railway Company to purchase any other Railway, no addition shall be authorized to be made to the Capital of the purchasing Company, beyond the amount of the Capital of the Railway purchased; and in case such Railway shall be purchased at a premium, no addition on account of such premium shall be made to the Capital of the purchasing Company.

Resolutions referred to the Select Committee on Standing Orders Revision, to make provision accordingly.

IMPRISONMENT FOR DEBT (IRELAND).

MR. M. MILNES wished to put a question to the Solicitor General for Ireland, of which he had given notice. At the early part of the Session he had called the attention of the hon. and learned Gentleman to the case of a number of persons who were imprisoned for debt in the gaols in Ireland for very small sums; and the hon. and learned Gentleman had promised that the attention of the Government should be directed to the matter. They were now near the end of the Session, and nothing had yet been done. From a paper on the Table, it appeared that there were at present 150 persons imprisoned in Ireland for debts between 2*l.* and 5*l.*, and 140 for debts between 5*l.* and 10*l.* He hoped, even at that late period of the Session, some measure for their relief would be brought forward.

Mr. MONAHAN said, that as far as he was concerned, he had prepared a Bill on the subject; but before it was submitted to the House, it was necessary that it should receive the approval of the Lord Chancellor. He did not know what conclusion the Lord Chancellor might come to; but the subject was now under his Lordships' consideration; and he hoped that he should be enabled to bring forward a measure before the end of the Session.

PRISONS — CONVICT DISCIPLINE — ADJOURNED DEBATE (THIRD NIGHT).

On the Order of the Day for the House going into Committee on this Bill,

Mr. NEWDEGATE said, he would not have felt himself justified in speaking upon this great question had it not been that his attention had for some months been turned to one part of the proposal of Her Majesty's Government connected with the abolition of transportation—he meant the subject of prison discipline which had been agitated in his county; and he rejoiced to say that one step towards the hasty adoption of the separate system had been rejected by that House in the Warwick Prisons Bill. He participated in the feeling which was very general in this country, that the abolition of transportation was likely to prove a very great misfortune; and, although the Government might, by proceeding through the power of the Prerogative, avoid the difficulties of a discussion in that House, the impression in the country was that the scheme was an unhappy consummation of the course adopted in 1839, which, by excluding New South Wales, had rendered the sphere of the penal colonies inadequate for the number of convicts annually transported. The sad state of things in Van Diemen's Land and Norfolk Island was mainly attributable to a too large congregating of convicts there, making it impossible to carry out the graduated system, since the means of absorption of the men from the probation gangs into employment afforded them by the colonists were completely overborne; but that was not a failure of the system established by Lord Stanley in 1842. On the contrary, it was a clear proof that the difficulties with which the probation system had to contend were almost insuperable, so long as the penal colonies were thus unwisely limited. They found, even on the admission of Lord Grey himself, in a letter to Sir W. Denison, that such was the overcrowded state of Van Diemen's Land that the means of absorption were totally overborne. The fact was, that there was neither capital nor means of employment adequate to employ the men emerging from the probation gangs. He believed that the plan adopted in 1839 was a preliminary to the introduction of this Bill; and we were now reaping all the miserable effects of that policy; and who but the present Ministers, who in 1839 promised that New South Wales should cease to be used for the purpose of transportation, were responsible for this? He concurred with the general belief out of doors that this Bill was likely to prove a great misfortune to this country. It seemed that nature had pointed out the means to this country of relieving herself from her superabundant population, viz., by sending a portion of her population to the colonies. Surely, if we were to have colonisation, the most rational plan would be to send out the least worthy members of society—those who were the least industrious—those who had no occupation—those who impeded the industry and endangered the property of the rest of the community. Her Majesty's Ministers seemed perfectly aware of all this; and it could not be set forth more plainly than in a letter from the Home Secretary to Lord Grey, which had been laid upon the Table of the House, and which conveyed the determination of the Government to render transportation still more difficult, if not impossible, by breaking up the new colony in North Australia, which had been commenced by Lord Stanley and the late Government. What did the right hon. Baronet say?—

Extract from a Copy of a Letter from the Right Hon. Sir George Grey, Bart., to Earl Grey.

"Whitehall, January 20, 1847.

"It is of importance, in considering this question, to bear in mind the distinction between the fitness of the Australian Colonies as places for the reception of criminals after having undergone their punishment, and as places in which the punishment itself is to be inflicted. The favour with which the system of transportation was long regarded, appears to be attributable to this distinction having been in great measure overlooked. There can be no doubt that new and thinly peopled settlements in which there is a large demand for labour, possess great advantages over a densely populated country, such as Great Britain and Ireland, for the reception of convicts after they have undergone their punishment. In this country, men regaining their liberty on the expiration of a penal sentence, often find great difficulty in obtaining an honest livelihood. In the general competition for employment, character naturally and properly secures a preference to men untainted with crime; and the discharged convict is liable to be thrown back upon a criminal course of life, from the inability to procure employment by which he can honestly maintain himself. In the colonies, on the other hand, where labour is in great demand, this difficulty is not experienced, and the opportunity is afforded to the convict, on the termination of his sentence, of entering on a new career with advantages which he could not possess in this country, and of thus becoming an useful member of society. Such was the case formerly, to a considerable extent, both in New South Wales [why was it abandoned ?] and in Van Dieman's Land, though of late, in the last mentioned colony, it has ceased to be so, owing to the large number of convicts annually sent there, and the consequent deficiency of profitable employment for those who, either on the expiration of their sentences, or as holders of tickets of leave, have been thrown upon their own resources, in the midst of a population of which a large proportion has been criminal."

And yet they were now called upon to abandon the natural advantages possessed by this country in the transportation of the unworthy portion of her population; and for what purpose ? To adopt two systems, both of which had been tried, and both of which had failed, in different countries; to adopt in the first place, the system of separate imprisonment, which he was prepared to show had failed in America ; and, in the next place, to adopt the system of *bagnes*, which had been adopted in France, and which had likewise failed. One of the most vehement opponents of the transportation system, in a letter published in the *Launceston* newspaper, and presented to that House in the correspondence on the Table, admitted that the probation system of Lord Stanley had not had a fair trial; and the papers teemed with evidence of that sort. This fact was over and over again repeated by Sir Eardley Wilmot, even to the discredit of his own administration of Van Diemen's Land. How was it in Norfolk Island ? Why, the Rev. Mr. Nailor (whose letter appeared to have had great influence with the Government, and was quoted by the Home Secretary), had headed one whole section of his letter with the expressive words—" There is no system of discipline pursued in Norfolk Island ;" and this was supported by the evidence of the Norfolk Island Commission, by Captain Maconochie, and by the Comptroller General. How could it be reasonable to cite the case of Norfolk Island as a proof that the probation system had failed there, when they knew it had never been enforced ? And could any one be surprised that Norfolk Island should be in its present condition, when it was ruled under a jumbled system, consisting of some of the orders drawn up by Captain Maconochie, confused with the orders of Lord Stanley ? The orders of that noble Lord were not fully carried out, and the consequence was the present accumulation of evils under which the penal colonies laboured. After all, it appeared that the right hon. Gentleman the Home Secretary had faltered in his determination. It appeared now that he did not mean to abolish transportation altogether, but merely to mutilate it. The right hon, Gentleman had propounded his scheme without providing accommodation for the convicts who would henceforth have to be kept in England. And how did he endeavour to amend it ? Why, proposing to export a certain number of convicts to the colonies without providing accommodation for or control over them when they landed in the colonies. This was the boon they intended to confer upon the colonies. He (Mr. Newdegate) was surprised that such a system had brought forward by the Government, when the Judges of England, Ireland, and Scotland, to a man, deprecated the abolition of the system of transportation, and declared it to be a rash and unsafe measure.

Mr. HAWES : The Judges are not unanimous.

Mr. BULLER : We have Baron Rolfe, Baron Parke, Baron Alderson, and Mr. Justice Perrin, in favour of this measure.

Mr. NEWDEGATE : The opinions of those of the Judges who were opposed to the present system did not amount to an assent to this measure. It was not likely that the Judges should all have presented the same answers in the same words, in reply to the inquiries of the Government as to the expediency of the present system of transportation, because they happened to be on circuit at the time that they were asked for their opinions. But it was almost impossible to conceive greater unanimity on so wide a question than was evinced by the Judges against the scheme of the Government. He would take the opinions of the three senior Judges of England, the three senior Judges of Ireland, and the three senior Judges of Scotland, as they stood on the list, and read them with the permission of the House. That must be considered a fair test of their opinions.

ENGLAND.—Lord Denman's Answers.

9. Does your Lordship regard the punishment of transportation as effectual to the repression of offences?	9. I believe the terror of transportation to operate very powerfully in the prevention of crime.
10. Does your Lordship consider its benefits as sufficient to counterbalance the obvious evil of its inequality when applied to persons of different habits, character, and circumstances, especially station in life and property?	10. I know of no punishment which is not open to the same objections, though not perhaps in the same degree. For this reason, and others, I think that considerable discretion must be lodged in the Court, and still more ought to be left with the Executive Government.
11. Does your Lordship consider that it would be safe or expedient to dispense altogether with this punishment; or would it be more advisable to retain it for certain offences? 12. If advisable to retain it for some offences, what are these? and do you conceive it could be retained so as to visit only such offenders as regard it with peculiar dread, leaving the discretion in the Judge with that view?	11 and 12. My opinion, strengthened by that of all my brethren with whom I have had the opportunity of conferring, is, that it would be unsafe and highly inexpedient to dispense altogether with transportation. By the present law I am not aware that there is any offence punishable by transportation which ought not to be so punishable.
24. Do you think any system of imprisonment would be a sufficient substitute for transportation?	24. I do not.

[Mr. NEWDEGATE did not repeat the questions, because they were put to each Judge.]

Mr. Justice Wightman's Answers.

9, 10, 11. My opinion is strongly in favour of transportation as a punishment, and mainly upon the ground that it removes the offender from his old habits and associates, and, if properly dealt with abroad, introduces new habits and new ideas, under the influence of which reformation may take place. There is, besides, little reason to expect or hope that a person who has committed such a crime as is usually punished by transportation would ever obtain such honest employment in this country as would prevent the inducement of want for his relapsing into crime. As far as my experience goes, transportation is generally much dreaded as a punishment, and chiefly, I believe, for the reason that induces me to approve it—the removal of the offender from all his old associates and habits. As long as he remains in England, under whatever circumstances he may be placed, he feels within reach of his old associates, and is not without hope of rejoining them. Cases no doubt may and do occur where the separation may be felt with more than usual severity; but, as far as I am able to judge, few families are the better for retaining in this country, after a period of imprisonment, a father, husband, or son, who has been guilty of such a crime as subjects him to transportation. It is also possible that cases may occur when from the station in life of the offender, or some peculiar circumstances, the punishment of transportation may appear more than ordinarily severe; but it is impossible to legislate for individual cases, and they who condescend to commit crimes punishable by law with transportation, must not be heard to complain that in their cases the punishment is more severe than in ordinary cases, even if it is so, which, except in some very rare instances, may well be doubted.

Mr. Justice Erle's Answers.

9 to 12. I think transportation has a strong effect in repressing crime, and is more penal than imprisonment here is ever likely to be. I think such penal consequences required in respect of crimes approaching to murder, and in respect of criminals persevering in deep crimes, past the middle of life. The objection of inequality applies to all inflictions on classes of persons varying in bodily or mental sensibility, and not more to transportation than imprisonment. The power to transport should be left with the tribunal that tries the prisoner, as the measure of a sentence is more often found in the facts around a crime than in those of the crime itself, and the trial affords the best opportunity for ascertaining them."

24. I think not.

SCOTLAND.—Answers by the Lord Justice General.

9, 10, and 11. That a sentence of transportation is viewed by many as a very severe punishment I cannot doubt, and therefore that the dread of it must tend in a certain degree to repress crime I think is equally clear; but as I cannot persuade myself that it would be at all safe or expedient to abolish that mode of punishment in the administration of the criminal law of Scotland, I certainly think that its benefit as a mode of punishment is not counterbalanced by the circumstances stated in the 10th question. I am further very decidedly of opinion that it is expedient to retain the punishment of transportation for many sorts of offences. For example, in regard to the heavy offences of rape (though still capital in Scotland, but seldom punished now by a sentence of death), aggravated cases of culpable homicide (manslaughter in England), robberies, housebreakings, and many others, the punishment of transportation appears to me to be indispensably necessary to be retained, subject, however, in point of duration, to the discretion of the Judges, in reference to the magnitude and circumstances of each particular case.

24. I consider that no species of imprisonment would be a sufficient substitute for the total abolition of transportation.

Answers by the Lord Justice Clerk.

9. I regard the punishment of transportation as most valuable, and as a restraint of the greatest possible weight on the great bulk of mankind. "As effectual to the repression of offences"—I cannot of course say it is, if that expression imports complete success. But my experience and observation lead me, without any doubt, to the conclusion, that transportation is a very great and most useful restraint on the commission of crime, and that its infliction has the most salutary effect in deterring others from committing similar crimes.

10. The punishment of transportation was adopted without a plan, and has been conducted and carried on, until a recent period, without any arrangements intended to secure its objects in the places to which the convicts were transported, and the mismanagement has in consequence been very great: but such evils may be without difficulty guarded against; and to one plan I will afterwards advert. But believing the benefits of the punishment, as a great means of deterring others from committing the like crimes, to be so important that nothing could compensate for its abolition, I regard as very trifling the inequality of the punishment here referred to, as regards the station of life and property of persons who may subject themselves to that punishment.

11. It is my decided opinion that it would be most unsafe and inexpedient to dispense with the punishment of transportation, or to restrict it to any more limited class of cases.

Answers by Lord Mackenzie.

9. I have no doubt the punishment of transportation is powerfully effectual in the repression of crimes, both by deterring, and, in so far at least as this country is concerned, disabling; completely effectual neither that, nor any punishment has ever been found to be, so far as I know.

24. I greatly doubt it. Transportation, as far as I can see, especially if for life, or a very long term, is generally regarded as a substitute for death, a kind of legal death, which makes an end of the person as a citizen of this country, and delivers him over into a species of slavery, in hopeless separation from all he loves or likes. Unless the imprisonment was very severe, and for life, or very long periods, it could not, I fear, answer in place of transportation. It would not affect the imagination to deter, so as to control the temptation of anger, hatred, lust, cupidity of gain, and of the indulgences money bestows, when these are strong. Nor would it remove the offender from the society of which he forms a pernicious member.

IRELAND.—Answers of the Lord Chief Justice Blackburn.

Answer to 9th Question.—I think the punishment of transportation has to a considerable degree the effect of repressing offences; but it is obvious, from the vast number of crimes so punishable, that it is not as extensively effectual as from its nature it might be expected to be. It is quite certain that, either from the uncertainty of the execution of the sentence, from an opinion that it is not attended with any severe degree of suffering, from the hope of escape, and various other causes, it does not operate on the minds of those disposed to commit crimes as an effectual security for obedience to the laws. I am persuaded that at this time, in consequence of the vast number of sentences the execution of which is suspended, the terror of transportation is vastly diminished in influence in Ireland.

Answer to 24th Question.—I think not, for there must always be cases in which, from a due regard to the public safety, the perpetual banishment of the convict must continue to be requisite.

Answers of Mr. Justice Crampton.

9. I think that the apprehension of transportation does operate powerfully upon the minds of our people towards the repression of crime. In general, I should say that there are none who more deeply feel or dread a separation from their country and kindred than the Irish peasantry do.

11. I think it would not be safe at present in this country to dispense altogether with the punishment of transportation. Unless you revert to the punishment of death for many of the crimes now generally punishable by transportation (a step against which public opinion and public feeling would revolt), I do not see how transportation can be dispensed with, until an equivalent secondary punishment be substituted for it.

24. A kindly treatment under confinement, with work in gardens or factories, would, in my opinion, be salutary to the prisoner, and tend much to his moral reformation; but I fear that such punishment would operate little in producing that wholesome terror of the law which tends so much to the repression of crime.

Answer of Mr. Justice Perrin.

9. Since the disuse of capital punishment (now so happily and generally established) the punishment of transportation seems to be extremely dreaded in every part of the country.

The hon. Gentleman said, he would add one more opinion of an eminent Judge—that of Baron Pennefather, as particularly succinct and able. And here he must say that he totally disagreed, as he believed the House and the country disagreed, with the hon. Member for Dumfries, who had said that the minds of the Judges had become of such a microscopic nature, from the habit of analysing details, that they were incapable of a comprehensive view of any great question. His (Mr. Newdegate's) opinion was, that by analysis of facts only could correct results be obtained. Mr. Pennefather said—

"The law as to transportation has been of late years, by several statutes, greatly modified. In various offences a power is given to the judge to substitute imprisonment, with or without labour. Whether this power should be extended to all cases now punishable by transportation, I do not at present mean to suggest. But with such a power in the judge, and bearing in mind further the existence of the Royal prerogative, I do not think that the sentence of transportation ought to be abolished. I am aware how much more heavily it may press on one class of persons than on another; but (not now adverting to what may have unfortunately taken place in our penal settlements), notwithstanding this objection, and others which may perhaps be pointed out to it, I consider its existence as essential to the peace and good order, and to the preservation of life and property in Ireland. It is, in fact, now that capital punishment is in most cases abolished, the only thing the generality of the people dread; and I am convinced that imprisonment under any form, and even with all the horrors of solitude—and these are really horrors—would not be, at least for a length of time, a sufficient or adequate restraint. Transportation is dreaded, especially by those who have the ties of family; and when removal follows shortly after sentence, the effect has been found to be most salutary. What effect, in the course of time, imprisonment on the silent system, in groups or in solitude, or with labour in gangs exposed to public view, may produce, I have no experience of, and therefore do not venture to give an opinion; but I have always shrunk from inflicting the sentence of solitary confinement in the few cases in which the law now sanctions it, as, in my mind, having no tendency, but the contrary, to the moral improvement of the criminal; no public example to deter others from crime; and bringing with it such undue mental suffering on the individual, as, if continued for any length of time, to destroy the powers of the intellect, and end oftentimes in complete fatuity; and the exposure of prisoners working in gangs, at hard labour, and to public view, has, I confess, always appeared to me as but little consonant to the free institutions or the feelings which ought to belong to the people of these countries; but whatever others may, perhaps with more propriety and experience, think of these matters, I am fully persuaded that imprisonment, even with these aggravations, would not, at least for a great length of time, have the effect of restraining from the commission of crime in Ireland, and that transportation could not, at the present time, be with safety abandoned."

That opinion was not only against the abolition of the punishment of transportation, but strongly against the adoption of the system of solitary imprisonment. He might adduce to an endless amount the opinions of those learned men best competent to form an opinion upon this subject to the same effect; and, whenever they did recommend the adoption of the solitary system, it was only for a very short period, and at long intervals—a week or so in two or three months. He felt very strongly upon this point, because, happening to be in the United States just when this experiment having run a certain course had failed, his interest was awakened, and he took particular pains to make inquiry into the subject. He had seen the prison at Philadelphia, which was the model of that in Pentonville, and nothing could exceed the fashionable fervour with which the solitary system was adopted in the United States; but such were not the feelings towards it there at present. In England it had been tried under auspices which would make anything succeed. The Commission included the Speaker of the House of Commons, the Duke of Richmond, the late Lord Wharncliffe, and Drs. Brodie and Ferguson. He could conceive no more competent Commission, and yet there were some most melancholy details connected with the failure of that system at Pentonville. The utmost watchfulness and care had been used in the Pentonville prison, yet there were some painful cases of insanity; and Drs. Brodie and Ferguson declared they found it extremely difficult to guard against the approaches of this most dreadful of all afflictions. Those gentlemen said, the prisoners were subject to hallucinations of various kinds. Some thought persons were continually calling them, and others believed they had been pardoned. The mind, in some instances, broke down under the system, and terminated in insanity. They must remember that this system was tried in Millbank, and that it failed; that it failed in America also; and under such circumstances he thought they ought not to urge it upon this country: first, because it was distasteful to the people of this country; and, secondly, because it was impossible to obtain such supervision and care as had been used in Pentonville. What was the fact with regard to Pentonville and Millbank, he found on the authority of the President of Bethlehem; and nobody could be a better judge of the amount of insanity, produced by this system, being in charge of that establishment in which those wretched people were confined. In a published letter to Lord Westminster, he says—

> "My attention has been forced to the results of the system of separate imprisonment. As President of Bethlehem Hospital, I have been compelled to hear the warrants of the Secretary of State read for the admission to that lunatic hospital of the victims of the separate system sent from the two Government prisons, the Millbank Penitentiary and the Pentonville prison. The noble Marquess is doubtless unaware that during the last ten years no fewer than forty lunatics have been sent from the Penitentiary to Bethlehem, while in the preceding ten years only fourteen were so sent; and are the public expected to believe that this fearful increase is not the direct result of the separate system?"

Such was the result of their own experience, and he would now call to mind what happened in America—a country in which prisoners were not regarded with tender feelings:—

> "The great majority of the States have adopted the Auburn plan, in preference to the separate system; and prisons on the silent system have been erected in New Hampshire, Vermont, Massachusetts, Connecticut, New York (at Auburn and Sing Sing), Maryland, the District of Colum-

bia, Virginia, Georgia, Tenessee, Illinois, Ohio, and Upper Canada; and since 1838, Louisiana, Mississippi, Alabama, Kentucky, Indiana, Michigan, and Maine, have adopted this humane system; while only one prison has been erected on the separate system since 1838, viz., a small state prison, for the State of Rhode Ireland. This prison had been in operation only four years, when the inspectors, in January, 1843, recommended to the Legislature that a Committee should be appointed to examine into its injurious effects upon the mind of the prisoners, with a view to its abandonment, six out of thirty-seven prisoners having become insane since its establishment. The only state prisons in America on the separate system are, in addition to that just referred to, one in Philadelphia (the Eastern Ponitentiary), one at Pittsburg, and one in New Jersey."

He thought there was a sufficient mass of evidence at least to make the Government pause before they generalised the solitary system. The solitary system of imprisonment was, in fact, an aggravation of the separate system, and was in his opinion the most frightful infliction that could be imposed upon a human being. It was, in fact, only to be described by saying that it was the iron which enters into a man's soul. No one could bear it beyond a certain duration, and its infliction depended upon the strength of his intellect and the power of his frame. It would seem from the evidence of Doctors Ferguson and Brodie, that the mind, in many cases, had begun to break down before they were aware of it, although the convicts were watched almost incessantly, and no pains or expense were spared in order to render the supervision effective. He must say he could not contemplate, without dread alarm, the extension of the present system, not merely to criminals at present confined in our gaols, but to 4,000 or 5,000 who would be annually condemned to transportation. Were the Government really determined to inflict upon this mass the horrors of the solitary system? He, for one, held they had no right to impose a punishment of which they could not ascertain the extent; and he trusted that the right hon. Baronet the Secretary of State for the Home Department would, upon reflection, see that he was borne out neither by justice, far less by humanity, when he declared that the Government was determined to inflict the solitary system upon the great mass of offenders in this country. Look at what had taken place in Bethlehem Hospital. Pentonville had contributed its share of insanity; and could they hope that the same skill, caution, supervision, and care which had been used in Pentonville would be generally pursued? It was not reasonable to expect such, for he defied any country in the world to expect such medical supervision. Then why, in the name of Heaven, should we adopt a system cruel in itself, and which experience negatived? Why did they not try the silent system? That was successful in two prisons in the county of Middlesex, of which he was a magistrate, and it was a most singular fact that in all the reports of the inspectors there was no report whatever against those two prisons, and the inspectors were strong advocates for the other system. The chairman of the Middlesex sessions expressed his surprise at this strange fact. Thirty-one Judges had been consulted, and twenty-three said they had no means of forming an opinion upon the silent system; four of those Judges—Cresswell, Alderson, Lord J. Clerk, and Perrin—were adverse to the system; and four—Coltman, Crampton, Burton, and Richards — expressed themselves strongly in favour of it. Did not this prove that information with respect to the silent system was wanting among the best informed in this country? And why, he asked, if you will be guided by the experience of America, do you begin at the wrong end of that experience? Why do you not begin by testing the result of American experience, which is the adoption of the silent in preference to the separate system, instead of adopting the separate system, which has failed in America? Will you disregard all this, and persevere, on the plea that the separate system reforms the criminals subjected to it? What is the evidence with respect to the 345 convicts whom you have picked for their health, sanity, and tendency to reform, and sent out from Pentonville in the *Sir George Seymour* transport? Why, that they had not been on board many hours before many of them fell into convulsions, and that on their arrival at Hobart Town, after a long voyage, Sir E. Wilmot and Mr. Forster report that their faculties still suffered from the effects of the separate discipline they had undergone. What do you hear of the rest? That many immediately returned to their old habits of vice and crime, and were subjected to renewed punishment at Hobart Town. But what do you hear of the most favoured, who were sent to Geelong, in Australia, under conditional pardons? Why, that no sooner had they discovered the extent of their liberty, than they became insubordinate on the voyage from Hobart Town to Geelong, and on their arrival there were such scenes of drunkenness, fighting, vice, and crime, as were, according to the admission of your own officers, highly discreditable to Pentonville Prison. And what is the evidence of the exiles themselves, as published for the House? Why, that the greatest saints at Pentonville proved the worst characters in the colonies; and that it was quite condemnatory to any man if it were known that he came out in the *Sir George Seymour*. Such is the evidence of the reformatory effect of the separate system. With such evidence of failure of the vaunted reformatory tendency of the separate system; knowing that the expense of that system was 50 per cent more than that of the silent system, and seeing how the silent system had succeeded where it had been fairly tried; taking into account that twenty-three Judges were not able to give any opinion, and of those who were able to form an opinion, at least an equal number were in favour of it—he trusted the Government would pause before they took the extreme step mentioned by the right hon. Baronet the Secretary of State for the Home Department, and imposed the solitary system upon the great mass of offenders sentenced to transportation in this country. He must say, that he thought those who pressed this system were doing so in ignorance of man's nature. They had it upon the authority of Him who created man, that he no sooner placed him in lordship over the beasts of the field, and gave him dominion over every creature, than he said, "It is not good for man to be alone." He saw that some hon. Members seemed inclined to laugh. He should not have thought that the authority he quoted would excite laughter; but if there were any Members who did laugh at that, he understood the reluctance of others to quote from that authority, which had often before surprised him. He thought the Government had acted very rashly in this matter; they did not seem to have given it much consideration, for Lord Grey determined upon it one month after he came into office, and without having consulted the Judges or other competent persons. He thought this mode of acting upon the prerogative of the Crown the most extraordinary ever known; and that a liberal Government, professing beyond all others a regard for liberal principles and a deference to the popular voice, should thus attempt to use the prerogatives of the Crown, was, indeed, a strange anomaly. Was this a course to secure respect for the sentences of the courts? Why, it would nullify every sentence of transportation. The Home Secretary declared that the sentence of transportation was hereafter to mean simply that the prisoner was placed at the disposal of the Government. Let them think how absurd it would be that a judge, after enumerating the repeated offences of a criminal, should solemnly sentence him, to what?—oh, vain and impotent conclusion!—to be placed at the disposal of Her Majesty's Government. Why, if the prisoner were an Irishman, he would say to himself, "What of that? Are not the 5,000 check-clerks of the relief committees placed at the disposal of the Government?" And then what a boon, forsooth, they were conferring on the colonies!—the unreformed and impenitent, whom they could not retain in England, they sent to the colonies, without provision and without control. The Government professed a rigid adherence to the principles of political economy; but it seemed a strange practice of them to retain this mass of convict labour in this country at so large an increase of expenditure to displace so much honest labour. But that any men charged with the government of this country should disregard her insular position, and the means of exit which her large colonies afforded, seemed the most strange omission of all. He would oppose the measure; and thought the Government had forfeited the confidence of the people of this country by the mode in which they had introduced it.

MR. M. MILNES would not long trespass upon the attention of the House. Who that heard his hon. Friend's speech would have supposed that the only modification proposed in the system was, that a certain portion of the punishment should be undergone in this country, and that the condition of the convict, on being banished from his native land, and the relation in which he stood to the Government, would be exactly what it had been before? It was true that there might not be quite so much terror in the proposed as in the present system—it was true that the system, especially to the prisoner who conducted himself creditably, would be very different from that established at Norfolk Island; but it did not follow from that, that the punishment which the prisoner must undergo would not be as real and effective; and the only difference would be, that in this country, instead of abroad, he would suffer a punishment as severe though under better regulations than in Norfolk Island; and when this came to be understood, all the terror inspired by transportation would be retained, while the evils that now infested the system would be removed. No one could say that former schemes, whether that of the assignment or the penal system, had worked satisfactorily. But his hon. Friend said that a penal system was good in itself, except that the system which was actually adopted happened to be a bad one. If he understood the system adopted at Norfolk Island, it was intended by its framers to be a system of prison discipline of the severest and most painful character—as severe, in fact, as it possibly could be without having recourse to those refinements of cruelty against which the moral sense of the present age revolted. That system had been tried under the most favourable circumstances. It had been tried under severe governors and under lax governors, and it failed in all. It failed under the stern rule of severe military discipline; and it failed under the mild sway of that remarkable and amiable man Captain Maconochie. And it did not require much philosophy to discover the cause of this failure. It was too far off to obtain that care and superintendence which was necessary to insure the success of any system. With regard to the assignment system again, it was neither more nor less than slavery, in its worst aspect; and its evils were fast tainting the life-blood of our infant colonies. The indulgence granted to the convicts, too, after they had been for a certain time in the colony—to have the contemplation of men moving about among the most respectable ranks of society in Sydney—men worth 10,000*l.* a year, and yet men of the basest minds, tainting the whole colony with their low and grovelling feelings—that was, to his mind, more painful than even the atrocities of Norfolk Island itself. It appeared to him, then, that the two systems had resulted in so little good that the Government were fully authorized to make an experimental change; and he did not understand the present measure to be more than that. All that the Government were doing was to feel their way, according to the lights of observation and experience, and to reform abuses as far as reform was possible. In this character of their measure he saw a good excuse for that part of their conduct which had been blamed by the hon. Member opposite, that they did not proceed by a direct legislative measure. And now the whole question rested upon this, were they to reform their prisons or not? The old system of transportation was no doubt exceedingly convenient, and he had no doubt that foreign nations often envied this country such a convenient method of disposing of their criminals. But a better form of thought had produced a better state of things; and now he, for one, cordially tendered his thanks to Her Majesty's Government for the present earnest attempt at reformation. He would not call it more than an attempt, and he was sure they would not think the worse of him for calling it so. He was sure that it had been deeply considered and long matured; and though it was quite possible that Earl Grey might not have been a month in office before he determined to abolish the present system, yet it did not follow from that but that his attention had long been directed to the subject. But there was a subject to which he wished to call the attention of the right hon. Baronet the Home Secretary, and that was what they were to do with prisoners who had received their discharge after the expiration of their punishment. The amount of free labour, as it might be called, in this country was already so great that it was most difficult to provide employment for a discharged convict; and the consequence too often was, that before a year was over the man was found within the walls of the prison again; yet the only institution in the metropolis to provide for such cases was the Philanthropic Institution; and he would earnestly invite every gentleman who took an interest in these subjects to visit that institution, and see how Mr. Turner, the chaplain, devoted his attention to the training of the boys there, rescuing them from otherwise inevitable infamy, and restoring them to all the chances of a happy and prosperous state. With regard to the objections made to the separate system, he thought that, under proper care, it was a most effective system of punishment; but he admitted that the system of prison discipline was in its infancy, not in this country alone, but in France, Germany, and America; and now that they proceeded upon the sound and Christian basis, that it was the duty of the State not only to punish but also to reform criminals, they might now, under God's blessing, expect to arrive at an efficient system, and to work it by just and legitimate means.

Mr. W. MILES had listened with great pleasure to the speech of his hon Friend; but he felt at the same time that those parts of the system which his hon. Friend eulogised, he most strongly objected to. He thought if Government had made up their minds to make such an important change as this in the system of secondary punishments, they ought not to do it, as it were, by a sidewind; but they ought to come forward with a well-considered measure, which they could submit to the House. The hon. Member read the opinions of the Judges who were averse to the entire abolition of transportation—particularly adverting to the opinions of Justices Park and Alderson—that it ought to be retained in cases of aggravated offences, such as rape, manslaughter, forgery, &c. He had some experience himself in the courts of law, as he had acted as chairman of the quarter-sessions in Somersetshire, and in that capacity persons were often brought before him two or three times in succession. He determined, in conjunction with his brother magistrates, to endeavour to put a stop to this; and accordingly, having first given them all fair warning, that if they appeared before the court again, they would be sentenced to transportation, he proceeded to carry out his determination, and the effect was, that crime in Somersetshire diminished considerably till it fell below that of Gloucester, though it was the more populous county of the two. The system of transportation at Norfolk Island had certainly been conducted in such a manner that its failure was by no means surprising. But then it was said that they must have recourse to the old system of assignment; and many hon. Members could not see any evidence of benefits resulting from that system. He did not say that there had not been many abuses in that system; but there was also abundant evidence that many of the servants assigned had turned out valuable members of society. If transportation were to be abolished, he wished that it had been done openly and directly, for he thought it most mischievous that the judges of their courts should be called upon to pronounce sentences which they knew would not be carried out. When they compelled a judge to pronounce a sentence of transportation, which he knew would not be carried out, they put a falsehood into his mouth; they lowered the character of their courts of justice, and generally affected the moral character of the people. As to the effect of transportation, Lieutenant Tracy said that London thieves had a great horror of transportation, and that they were greatly elated at the contemplated change. Mr. Cope gave evidence to the same effect. He did not uphold the present system of penal colonies; but by improving that system he had no doubt the most beneficial effect would follow; and he trusted that at all events the Government would not displace the vast amount of labour done on the roads by the honest labourers by employing convicts in that way. For these reasons, he was opposed to the abolition of transportation, and would give his cordial support to the Amendment of his hon. Friend, if he should press it to a division.

Sir R. H. INGLIS could fully concur in one observation of the hon. Member for Pontefract, which was, that great credit was due to the Government for having brought this matter forward; but he felt strongly the inconvenience of discussing one subject, when the Bill before them related to another. Neither of the Bills now before the House would warrant the discussion of this large question; and throughout, therefore, they had been discussing most irregularly a subject of the deepest importance, when no question could be put from the chair, by which the opinion of the House could be fairly ascertained upon it. According to the two Bills which were before them, transportation would not be abolished; but, according to the intentions of the Government, the present system of transportation would undergo so great a change that in effect it was to be abolished; and this was to be done against the deliberate opinion of thirteen of the Judges of England, and of all the Judges of Scotland with one exception, and the opinion of that Judge was doubtful. Her Majesty's Government had not been able to bring one single Judge, except Mr. Justice Perrin, as being favourable to their plan. He had indeed heard it whispered that Mr. Baron Alderson had expressed an opinion favourable to the abolition of transportation; but he ventured to maintain that no opinion was much less in favour of that plan than that of Baron Alderson, for that learned Baron had said, in answer to Questions 13, 14, and 15, that the evil of transportation fell upon the colony rather than the mother country, for that the mother country had much benefit from it. And in answer to the question, whether he thought that any system of imprisonment could be a sufficient substitute for transportation, the learned Baron said he thought not. [Mr. HAWES had not quoted the opinion of Baron Alderson on these Bills, because that opinion had never been asked; but he had stated that Mr. Baron Alderson's was a qualified opinion.] He thought that it was not a very qualified opinion; and certainly, if there was any truth in the saying that credit should be given to every man in his art, the opinions of the Judges of the land was entitled to the greatest weight. Even Mr. Justice Perrin had said that he did not think transportation could be safely abolished altogether, although he had also said that he did think that a system of imprisonment might be a sufficient substitute for transportation. He admitted the great difficulty of the subject; so many objections were made to different kinds of punishment that if every one was attended to, there must be complete impunity for crime. As to transportation, he admitted that the interests of the colonies had not been hitherto sufficiently regarded; but because there were evils in the present system, it did not follow that those atrocious and nameless evils which had been described, should be the result of every system of transportation. No one could have read what had been stated in reports, and speeches, and pamphlets, without seeing that the existing system had led to the greatest mass of evil that the penal legislation of a Christian country had ever been known to exhibit; but he believed that it was in the power of the Legislature to continue the penal character of transportation, but at the same time to free it from its noxious effects on the character and habits of the convicts. He was sorry that the hon. Member for Warwickshire had left his seat, because the hon. Member had quoted Scripture, and had said that his quotation met with ridicule; but he had paid great attention to that speech, and he was sure that there had been no intention to ridicule Scripture, or the Author of Scripture. The ridicule was at an inconsequent application of Scripture to a purpose which the Scripture did not warrant. He would ask his noble Friend at the head of the Foreign department, as well as the Under Secretary for the Colonies, whether they had not the concurrent opinion of all Colonial Governors, as well as of the Judges, not against these particular Bills, but against that practical abolition, so far as the intention of Her Majesty's advisers went? As to the conduct and practice of the Judges, his hon. Friend had adverted to the difficulty of passing a sentence never to be executed; but he asked whether legally they could pass a sentence of imprisonment for a length of time corresponding to that of transportation? He believed not; and then what were they prepared to do in respect to cases varying from two years' imprisonment to seven years' transportation? They were treating this change as capable of being made by the prerogative of the Crown; but in his opinion it would have been much better to have brought in a Bill for the purpose. All his feelings and prejudices were in favour of prerogative; but a Bill would have afforded Parliament a much better and more convenient opportunity of discussing the question. This debate was different from a discussion in which different degrees of transportation as apportioned to different crimes might have been considered; so that now they were deciding a question without the same opportunity of full discussion as they might have had, and without that authority to which the greatest weight ought to be attached. Reference had been made to the assignment system; and he thought that transportation with assignment was better than transportation in gangs, and transportation in gangs was better than none at all, if under proper regulations and effectual Christian superintendence. The hon. Member for Pontefract had praised the good intentions of Captain Maconochie as he deserved; but how far his system could be carried out remained to be proved, as it had never yet been fairly tried; but it was due to Captain Maconochie to pay a tribute to his great exertions on this subject. He (Sir R. H. Inglis) had not long ago presented to that House a petition from a gentleman who had experienced the evils of the system which now existed in Van Diemen's Land—who had been encouraged, by the expectations held out by the Government, that that colony would not be made the depositary of all the criminals of England, to invest capital there to the amount of 10,000*l.*, and who stated that every respectable person was now leaving Van Diemen's Land; that his own property was greatly deteriorated, and, indeed, that he was almost ruined. He (Sir R. Inglis) thought this statement afforded a strong argument against the continuance of that particular form of transportation which had existed for the last five years. For his own part, he would maintain a system of transportation, purified so far as it could be, and as he believed it easily might be, from the measureless evils which had existed in the course of the last five years, but which did not exist under the assignment system. If the Government were prepared to raise the question of transportation or no transportation in form, as they had raised it in substance, he would be as ready as any Member of the House to vote against the abolition of that punishment; but he apprehended that the technical question put to the House would be that the Bill now before them be committed, and upon that question he was not prepared to divide.

SIR J. GRAHAM: I was anxious, Sir, on a former occasion to have addressed the House, and it was only by accident that I was prevented, on the last evening this question was under discussion, from taking part in the debate. Considering the official connexion which for some years I have had with the administration of justice, perhaps the House will not think it unnatural that I should be desirous to give my opinion upon the important matter which is now the subject of its deliberations; and I am rejoiced to think that, though considerable difference of opinion may exist in the House with reference to this most difficult question, it is impossible that it should be tinctured with the slightest colouring of party feeling, and that—although differing in opinion from the Government as to the course they intend to pursue—it is possible for me freely to express my views without giving offence to any one. I may be permitted to state, that I agree with the hon. Member for the University of Oxford (Sir R. Inglis), that the course which this debate must naturally take is somewhat inconvenient, because no direct opportunity is afforded to the House of expressing an opinion on the policy of the system about to be introduced by the Government. I do not mean to deny, that to the Bills which we are now discussing I entertain very considerable objection, though I am not prepared to vote against either of them going into Committee; but there are alterations with respect to both, which, in Committee, I should be disposed to support. I will first glance at the Custody of Offenders Bill. That Bill seeks to obtain a power new in the history of this country, and, as I think, not altogether politic. I allude to the first clause of the Bill, which proposes to give to the Crown the power of bringing to England persons convicted in Ireland and sentenced to transportation. Now, in itself that is a novelty, in my opinion, of very doubtful policy; but when I connect it with the system which the Government intend to introduce—namely, that transportation shall not invariably follow either separate confinement or hard labour in this country, then I think the gravest possible objection exists to this clause. Some hon. Members have referred to the opinions of the Judges upon certain questions propounded to them by the other House of Parliament. If any hon. Gentleman will only turn to the opinion of the Lord Chief Justice of Ireland, he will there see the strongest possible opinion in favour of transportation, which that learned Judge considers indispensable; and he contemplates with some alarm the possibility, after a period of hard labour, of Irish convicts being thrown back upon society in Ireland. Now, it is surely somewhat impolitic that we should incur the least risk (instead of throwing back these convicts upon society in Ireland, where they have been guilty of such great crimes as those to which the Chief Justice particularly refers) of persons convicted of crimes most dangerous to the safety of life and property, being cast upon society in England at the termination of their allotted period of labour. To that clause, therefore, when we go into Committee, I shall think it necessary to give particular attention. I believe that as the law now stands, it is not possible for the Crown to bring Irish convicts sentenced to transportation to this country. It is a new power, as I think, of a dangerous aspect, and to be examined with great care. I will now turn to the Bill with respect to prisons; and I am bound to say that to many of the provisions of that Bill I have serious objections. I will not cavil at the new designation of the Board of Commissioners to be constituted under this Bill "the Commissioners of National Prisons." That is an anomalous name—a name unknown to the law of this country. We have heard of county gaols, of corporate gaols, and of borough prisons; but this is a new name. We have had a Commission for the management of one prison—the Pentonville prison—and I must say that my experience with respect to boards of commissioners, and even with respect to that particular Board of Commissioners, consisting of very able and most exemplary men, has not led me to believe that, in a Commission composed of from seven to eleven members, it is easy to maintain that harmony and unanimity which are necessary to the advantageous working of any system. We have lately had a very important subject under consideration with respect to another Commission—I allude to the Poor Law Commission; and we have learned from experience that direct responsibility in this House is of great importance. It is with that view we have been legislating with reference to the poor. Now, at present we have the immediate, direct, undivided responsibility of the Secretary of State in this House with respect to all gaols, except only Pentonville prison. [The ATTORNEY GENERAL: And Millbank.] No; there are certain visitors appointed for that prison; but, under an alteration I myself introduced, the Secretary of State has the power of framing the rules. [Sir G. GREY: The inspectors have the same powers as the visiting justices, subject to the revision of their proceedings by the Secretary of State.] With respect to the county gaols of this country, the Secretary of State for the Home Department has the power, annually reverting to him, of making new rules or altering existing regulations; and I cannot see why that general rule, applicable to all gaols in this country, should be departed from with regard to those national prisons about to be constituted. As I read the Bill, the Commissioners are, in the first place, to frame rules, and a veto only is reserved for the Secretary of State. Upon another point there can be no mistake—that at this moment the patronage, the appointment of governors, chaplains, and of all those important officers upon whose conduct the discipline of the gaols depends, is placed in the hands, and subject to the responsibility, of the Secretary of State. Under this Bill it is sought to transfer that power, with respect to all prisons brought under the control of this Commission, from the Secretary of State to the Commissioners. You will have, therefore, the responsibility of the Secretary of State with respect to the rules impaired, and his responsibility with respect to the appointment of officers entirely destroyed. There are other minor objections to which I will not now refer; but I think that these are grave objections, well deserving the attention of the House when we go into Committee, and involving principles of great importance. At the same time, I must say, that although I think the objections I have mentioned to both these Bills are not unimportant, I am not prepared to vote against going into Committee. I agree with my hon. Friend the Member for the University of Oxford (Sir R. Inglis), that though, strictly speaking, the questions to which I have adverted are the only questions brought by these Bills directly under our consideration, far greater and more important questions have been raised in the course of this discussion — questions so important that I should neglect my duty if I failed to express my opinions upon them. I do not for one moment seek to conceal from the House, that when I resigned office during the summer of last year, the state of the penal colonies was so unsatisfactory, that prisoners convicted of offences, even of the gravest character, could not be sent out to them without the certainty of contracting a deeper taint; and, in my humble judgment, the time had arrived when it was indispensably necessary to suspend transportation, or to limit the extent to which it had been carried for the five years during which I presided at the Home Office. I may here observe, in passing, that the great evils which have arisen in Van Diemen's Land appear to me, in no inconsiderable degree, to be rightly ascribed to a pledge given, I must say somewhat hastily, if not imprudently, by our predecessors in office to the colonists of New South Wales, that after the time when that pledge was given, no convicts should be sent to those extensive colonies. The consequence was, that the whole stream of transportation flowed undivided to Van Diemen's Land alone; and to the accumulation of convicts there I believe that many of the evils which have arisen are principally to be attributed. As I have stated, I considered, when I quitted office, that transportation, to the extent to which it had been carried during the preceding five years, must necessarily be suspended; and I think I stated to my successor in the Home Office (Sir G. Grey), that that was the view taken by my Colleagues and myself. To the suspension of transportation, then, for a year or two, until a better plan of secondary punishments could be maturely devised, I not only had no objection, but to such suspension I was ready to give my willing assent. But it is not a question of suspension that we are now debating; for I think I did not misunderstand the statement of the right hon. Home Secretary. I took down his words, and he said that "It is not necessary to drop the system for two years only; but it is necessary, in my opinion, never to resume it." The question we are now debating, therefore, according to the authority of the Secretary of State, is whether transportation, as a secondary punishment, shall cease or not. It is unfortunate, I think, that we cannot take the sense of the House upon that question; for that really is the point upon which issue is now joined. I cannot help referring, in passing, to a most important topic to which my hon. Friend the Member for the University of Oxford alluded. What is at this moment the state of the criminal law, upon the due and successful administration of which really depends the security of life and property in this country? It has been the policy of modern times — a policy which I highly approve, and in which I have partaken— to temper the rigour of our criminal code, to administer justice with greater mercy, and to mitigate that sanguinary character which jurists have ascribed to the laws of this country, and which, as I think, disgraced them without adding to their efficacy. Except only for the crime of murder, or in the case of violence endangering human life, capital punishment has not, for many years, been inflicted in this country. With regard to the policy of this mitigation of the rigour of our laws, I cannot dissemble to the House, or conceal from the public, that with regard to crimes of the deepest dye, to which capital punishment was formerly annexed, the remission of that punishment has been concomitant with a rapid and alarming increase of those crimes. I will illustrate this statement by three instances; and, in order to do so, I must call the attention of the House to a table of the number of criminal offences committed in this country, prepared by a gentleman in the Home Office, whose merits I have no doubt my successor has ascertained, as by experience I ascertained them—I allude to Mr. Redgrave. In 1829 capital punishment was remitted with respect to forgery. In the year 1836 the number of commitments for forgery was 321, in 1841 it was 514, and in 1846 it was 706; showing an increase in the last year of more than double the number as compared with 1836. I will now take the crime of arson, which ceased to be a capital offence in 1837. The number of commitments in 1836 was 366, and the number rose in 1846 to 581; showing an increase of about 60 per cent. The next case I will take is the atrocious crime of rape, which ceased to be capitally punished in 1841. The commitments for rape in 1841 were 319; in 1846 they amounted to 597; showing an increase of 90 per cent. Now, observe that capital punishment in most cases, except in the case of murder, has been remitted. The secondary punishment next in gravity to capital punishment is transportation for life. It is now proposed that transportation for life — at all events in the rigorous sense in which that term has hitherto been viewed both by Judges and by convicts — shall from henceforth cease. The punishment next in severity to transportation for life has hitherto been punishment on board the hulks; but I think that, by an Address of this House, that punishment has been unequivocally condemned. An Address to Her Majesty was voted, I believe, by this House, praying that that punishment may no longer be put in force. If transportation, then, is to cease; if punishment on board the hulks is condemned; if capital punishment is generally remitted; what remains but punishment by separate confinement, or with some severity? I am an advocate, as far as experience has given me the means of judging, of separate confinement; but I admit that it is a powerful instrument, requiring in its application great care and close inspection; it is a punishment which is certainly to be viewed with some jealousy by all friends of humanity, and with the caution due to the weakness of the human mind as well as to human suffering. From the separate system you fall back upon the silent system. That is generally condemned; and at last you will be brought to the punishment of the gravest offences by terms of imprisonment only. If you attempt long terms of imprisonment in this country, public opinion will be revolted; the pressure upon the Executive Government will be excessive—almost intolerable, for the remission of the punishment; and at last, if we do not take care, in our sympathy for the sufferings of criminals, we shall so mitigate our code, and we shall, practically, so break down the severity of all our punishments for the gravest offences, that crime will be committed with impunity, and rogues and villains will suffer little, while honest men will be exposed to danger and to injuries without redress. Now, I would wish to ask the House, shall a change so great as this, in reference to transportation, be effected except by statute? I am speaking, I know, in the presence of those who will follow me, and who are great legal authorities; but, I must say, as to the 5th George IV., which organized the punishment of transportation from this country, the letter of it may allow that exercise of the prerogative which is now contemplated by Her Majesty's Government; but I contend that the spirit of that Act is entirely at variance with the spirit in which we are now about to legislate. It is a misrepresentation of that Act to say that it recognises the extension of the prerogative of the Crown in all cases of transportation, by sanctioning imprisonment as its substitute. So far from a substitution being intended by that Act, it was, in fact, to superadd imprisonment prior to transportation, and to regulate transportation. Far be it from me to deny the prerogative of the Crown in mitigating punishment; but I contend that if your administration of the law is to be safe, the general rule of punishment should prevail, and the exercise of the prerogative of mercy should be the exception to the rule, and not the rule itself. If you intend to convert the exception into the general rule, at once you open the door to all the caprices of the adviser of the Crown, who, himself, has not been present at the trial—who does not know the exact circumstances of the case—who is only incidentally made acquainted with the opinion of the Judge—and who is really not responsible for the due administration and infliction of the severity of the law. And having asked why should we even admit this difficulty to prevail with respect to dealing with this question by prerogative unaided by statute, I would ask another question—what is the precise nature of that secondary punishment on which you mean henceforth to rely, transportation being changed, if not entirely abolished? What is that punishment on which you rely for the purpose of deterring criminals from the commission of crime after that large remission of capital punishment which has taken place? There is another question on which I should have said something had I not been anticipated by gentlemen who have spoken before me, and who dwelt at length on the subject. What is the opinion of the Judges with respect to the proposed change, so far as they have had an opportunity of understanding what is intended by Her Majesty's Government? With regard to Lord Denman, his opinion has already been read to the House; and, if I mistake not, he speaks not only for himself, but he says expressly that he has consulted his brethren, and, so far as he has been able to collect their opinions on behalf of his brethren, he deprecates the abolition of transportation in the strongest terms. Allow me also just to ask what is the opinion of the chief criminal Judges of Scotland? I will not weary you with going over the opinions of the English Judges, or again stating the opinion of Lord Denman; but I will quote to the House the testimony furnished by the chief criminal Judge of Scotland, the Lord Justice Clerk, who has had extensive experience in the trials of prisoners, who is a most careful criminal Judge, and whose opinion is entitled to be received with the greatest respect. He says—

> "I regard the punishment of transportation as most valuable, and as a restraint of the greatest possible weight upon the great bulk of mankind. My experience and observation lead me, without any doubt, to the conclusion that transportation is a very great and most useful restraint upon the commission of crime, and that its infliction has the most salutary effects in deterring others from committing similar crimes."

He says also—

> "Believing the benefits of the punishment as a great means of deterring others from committing the like crimes to be so important that nothing could compensate for its abolition, I regard as very trifling the inequality of the punishment here referred to, as regards the station of life and property of persons who may subject themselves to that punishment. . . . . It is my most decided opinion," he further declares, "that it would be most unsafe and inexpedient to dispense with the punishment of transportation, or to restrict it to any more limited class of cases."

In answer to the question—

> "Have you the means of stating what class ot persons tried before you appeared chiefly to dread it, and what class to care less for it?"—

He says—

> "I should say that, generally speaking, all classes of offenders have a great horror of transportation, and I noticed universally the effect produced when, after the change in 1843, I mentioned to those sentenced to short periods of transportation that the sentence would certainly be carried into effect. Even the horrors and labour of the hulks had not half the terror as that of removal from the country."

That is the opinion of the chief criminal Judge in Scotland. You have heard the statement of Lord Denman on behalf of his brethren in England; and I will now read to you the opinion of the Lord Chief Justice of Ireland. As it is important that I should refer to the point to which I have already adverted, with respect to the danger of employing in Ireland convicts sentenced to transportation, and there remitting their sentences, and that I should also call attention to the impolicy of the system of such remissions, perhaps the House will permit me to quote the whole of the opinion of the Chief Justice. He says—

> "The employment of those convicts in public works might be resorted to as a temporary expedient, but I believe that the trials that have been made of this measure have not tended to recommend its adoption; and certainly the employment of Irish convicts on any public work in Ireland would be in the highest degree inexpedient, and, in my opinion, be most mischievous. The cases in which I would retain the power of transportation (not being able to devise any substitute for it) would be those in which, from the nature of the crimes, and the hardened guilt of the offenders, it would probably be unsafe, with a due regard to the general safety and interests of society, that the convict should be allowed to be at large in this country. Generally speaking, persons who are now sentenced to transportation for life would be included in this class of convicts. It would seem to be absolutely necessary to invest the Judges with a discretionary power, to be exercised according to the nature of the crime, the previous habits and character of the convict, as far as they might be disclosed by the evidence at the trial, and other authentic sources of information." He is asked, "Have you the means of stating what class of persons tried before you appeared chiefly to dread it, and what class to care less for it?" and the reply is, "Habitual thieves, persons who are without friends and connexions, and reduced to destitution by idleness and misfortune, feel it but little, if at all; but offenders of the better classes, and the persons who, in various parts of Ireland, have been associated for unlawful purposes, and become habituated to deeds of violence and plunder, do, I believe, feel transportation as a heavy punishment. Amongst the latter class, I believe, it frequently happens that convicts sentenced to transportation consider themselves fortunate in having escaped the punishment of death. But, with such exceptions, I am persuaded that they themselves, their families and friends, and, it is possible, their associates in guilt, regard separation, if for life, as a great calamity."

I will not trouble the House with the opinions of other Judges of the land; but I must, in passing, make the observation that, since this measure was first introduced to our notice, it has undergone a very material change. When the right hon. Gentleman addressed his able letter to the Secretary for the Colonies, I think, at that time exile, under a conditional pardon, was contemplated as the general rule on the expiration of imprisonment. The right hon. Gentleman the other night combated with some severity the observations made by Lord Brougham on that plan as it originally stood. I quite agree with Lord Brougham that, as it was first developed, it was open to a very serious objection. It did not appear to me, on the face of that plan, that the exile contemplated would necessarily be confined to our own colonies. I consider it quite possible that the colonies of other countries, and that even the States of Europe might be chosen for the residence of the exiles. It is now useless arguing this point, for the Bill has been changed; but a graver objection could not have been urged; civilized Europe would have been revolted by any such attempt. Now it is changed; transportation is still to be abolished; but when the right hon. Gentleman last addressed the House, exile was no longer the plan—deportation was the term. Now, what is the meaning of deportation? Deportation in the altered plan, which is no longer exile under conditional pardon, but deportation with tickets of leave, is, after all, neither more nor less than transportation. I know not what the hon. Baronet the Member for Southwark (Sir W. Molesworth) may say to that. He has addressed the House with his accustomed ability in explanation of his views as regards this scheme; but I can hardly believe that he will be satisfied with deportation under tickets of leave. What does that really mean? My recollection of the practice of the Home Office may be imperfect; but if you keep up tickets of leave, and deport under tickets of leave, you must have convict establishments, you must have penal colonies, you must, in point of fact, retain all the machinery of transportation. You change the name, but in reality it is only a modification, and a very slight modification, of transportation. I think the right hon. Gentleman said some change, at all events, was necessary, and that the fruits of the new, whatever they might be, could not be worse than the fruits of the old system. The new system, as I understand it, is, that you are to commence generally with separate confinement; that after separate confinement you are to have forced labour; and that after forced labour you are to have deportation, which, as the House will have observed, is deportation with convict ships under tickets of leave, to a convict colony, with convict establishments, the ultimate conditional pardon being dependent on the conduct of the prisoner in the penal colony. Now, my first objection, if well founded, is fatal to the plan. I contend that the preliminary punishment, viz., punishment by separate confinement, is not possible at this moment. You have not the means of applying it. There are not that number of separate cells in the prisons of the country which would enable you so to confine it during the next twelve months. What is the number of the convicts? In 1846, 2,195 convicts were sentenced to seven years, and 1,724 sentences to a longer period than seven years, making altogether, in 1846, 3,919 convicts sentenced to transportation. The right hon. Gentleman, in his estimate, has made provision for 860. According to his own plan, there are then upwards of 3,000 for whom he must provide separate cells. All the establishments he can bring to his aid will not therefore furnish him with the means of carrying out a system of separate confinement. Even if this difficulty be overcome after the first year, he contemplates under the separate system extending imprisonment beyond twelve months for grave offenders; and consequently provision will have to be made for more than 3,000 convicts. It will be necessary, I think, to have 4,500 separate cells, and certainly it may be possible after the lapse of some time to make such provision. The cost will be great, the difficulty not inconsiderable; but to bring that system at once into operation before the cells have been provided, seems to me a hasty, if not an improvident step. Even if I doubt that it is not physically possible, still there is another great question remaining open for discussion. I admit that the reformation of the criminal is a matter of the highest importance; I cannot, however, consider it of primary, though of immense importance. It is secondary: the object which is of vital and paramount importance is that your punishment should be effectual for the purpose of example, and as a means of deterring from crime. Granting that your system be the best for the reformation of the criminal, it is necessary for you, before you establish the policy, to show that it is the one most certain in practice to deter from crime, and to operate as an example. Now, this plan, purporting to be new, presents itself in a double aspect—first, separate confinement; and, in case of reformation being effected by separate confinement, the exercise of the prerogative by pardon; or, after the separate confinement, if not effectual, or if the gravity of the crime requires further punishment, additional punishment, and forced labour, before deportation under tickets of leave. Well, I will endeavour to show that this plan is not new—that it has been tried—that it has failed—that it has been condemned by this House—and that it neither deters from crime, nor succeeds in reforming the criminal. First, in reference to separate confinement, ending in a pardon, without any of the ulterior stages of punishment. I know not whether the Lord Advocate is here, but I see the right hon. Gentleman the Member for Perth in his seat; and he is aware that this system of separate confinement, ending in separate confinement—the punishment carried no further, has been tried to a great extent in Scotland, in the prison of Perth. I will read to the House the opinion expressed by the Lord Justice Clerk on this point, as the result of his experience. He says—

> "We constantly see in the Court of Justiciary persons who have suffered imprisonment in the general prison for eighteen months or two years, on whom the discipline and instruction of the prison have been wholly thrown away, and who return to crime immediately or soon after liberation. To sentence more to imprisonment, or to try the punishment of imprisonment on more (under a nominal sentence of transportation), would only be time and expense thrown away. Even on the separate system, and for a long period, imprisonment has really no terror for the bulk of offenders; and the better the system, it is an undoubted result that the dread of imprisonment must and will be diminished. After these offenders are all taught to read, and get books to read at extra hours, if reformation is not produced, at least the oppression of imprisonment is over to persons of low minds and living a life of wretchedness out of prison. And hence, I am sorry to say, that with those who are not reclaimed in one prison, the dread of imprisonment seems to have entirely vanished. And I understand that among the community at large in Scotland, and with magistrates and police officers, the feeling is very general that owing to the comforts necessarily attending a good gaol, the separate system, looked on at first with alarm, has now no effect in deterring from crime those who are not reformed."

So much with respect to the experiment of the separate system, which has here resulted in throwing individuals, who have been convicted, back upon society unreformed by this species of punishment. We have had the example of Perth, and the testimony of the Lord Justice Clerk, in reference to the effect of that experiment throughout Scotland; and I now turn to the system which has been propounded to us as a new one, viz., that we should deal with convicts, first, by separate confinement, and then proceed to forced labour in this country. I have already stated to the House that this plan is anything but new—that it is an old experiment—that it has been tried and signally failed, and has been condemned by a Committee of this House in a report which was made in 1832.

In a matter of so much importance, I am anxious to go through the entire case, and shall therefore draw upon the patience of the House while I read another extract or two. I will refer to the result of an inquiry before a Committee of this House on the subject of secondary punishments, when this plan was tried at Millbank Penitentiary—viz., a plan commencing with separate confinement, and ending with forced labour. At Millbank, the first-class punishment was separate confinement, and after a certain period a second class was formed, in which intercourse was allowed between the prisoners, and labour was enforced. The Committee, in their report, say—

> "The Governor of the Penitentiary states, that many prisoners confined there, after removal from the first class, a state of seclusion, to the second class, in which they are associated with other convicts during the day, have, at their own request, been replaced in the first class, finding it impossible to resist the influence of the bad example of their fellow-prisoners, although those prisoners, having gone through the ordeal of the first class, might be considered as partially reformed. . . . . . During the first period separation was always strictly enforced (except when the prisoners were at work in the crank mills and water machines for a short time each day); and it appears that, generally speaking, a decided improvement in their deportment and conduct took place. But, on being removed to the second class, and being allowed to associate with their fellow-prisoners during the day, the consequences, as described by the governor and chaplain, were such as might have been expected; any progress towards reformation effected by the discipline of the first class being frequently followed by a relapse when removed to the second. Your Committee, however, are given to understand that new regulations have lately been adopted, and there is no longer a distinction between the classes, and that it is intended to subject the convicts in future to the discipline of the first class during the whole period of their sentence, from which it is expected that hopes of permanent amendment may be entertained, and that a shorter period of punishment will be found sufficient."

The Committee sum up the whole case by saying—

> "Your Committee are of opinion that still further improvement may be made. More effectual means should be adopted to prevent conversation between prisoners while in their cells; as unless measures are taken to prevent all communication, the object of the institution will not be obtained. The indulgence hitherto allowed to prisoners of receiving letters from their friends should in future be withheld altogether; and during the whole period of their confinement all communication from without, except in special cases, should be strictly prohibited."

Something has been said in the course of this debate of the United States of America. That subject was not overlooked by this Committee; and I ask the House to look at the experience of the United States with reference to a plan almost analogous to that now proposed. On this point the Committee say—

> "This evil is strongly felt in the United States, and the want of some place to which irreclaimable offenders may be sent is a source of anxiety to the statesmen of that country; in the words of a competent witness, 'It is the cause of the gradually increasing culprit population in America, of which the Legislature cannot rid the country.'"

The hon. Gentleman the Member for Warwickshire has spoken of the evils prevalent in France; and it is instructive to remember that this very system of secondary punishments prevails in that country—criminals, after a period of separate confinement and hard labour, being liberated and allowed to go back to their native homes. The evil of this state of things in France is one of the greatest and most demoralising curses in that country—admitted to be so by their statesmen, and rendering society there vastly inferior in point of morality to any other civilized country in Europe. We must, therefore, take great care in any change we propose that we do not throw away the benefits of the experience we have derived from America and France; and at the same time be on our guard not to neglect the facilities which our penal colonies afford us of placing there, at the expense of the mother country, those unhappy persons who are sent forth as criminals—of having them closely watched under a system of reformatory discipline—and at the end of their respective periods of punishment holding out to the reformed the certain prospect of being admitted into a condition of society where they may expect to find a sufficient demand for their labour. I must say that I think it would be preferable to place the forced labour first in order. I am quite sure it would be the most politic course. The noble Lord the Member for Hertford has stated that the Bishop of Tasmania thinks this would be wiser both in theory and in practice; and, arguing *à priori* as well as from experience, I should say, that all the good effect of your separate system is sure to be destroyed by a system of mixed forced labour, whereas the evils of the forced labour system might be mitigated, or removed, if followed by the separate system. Looking at the letter of the Home Secretary, to which I have already referred, it appears plain from one passage in it that he does contemplate exercising the prerogative of the Crown to throw back on society here certain classes of convicts, though he does not mean it to be the rule that at the end of the period of forced labour they shall be allowed to return to their homes. He says—

> "In addition to the general plan thus contemplated, there will probably be cases in which the mercy of the Crown may safely be exercised in favour of prisoners without enforcing the condition of exile, where their friends, or other persons of character and respectability may undertake on their liberation to receive and provide employment for them, or become answerable for their future conduct."

Now, considering the great amount of labour compared with the means of employment in this country, the cases are rare, indeed, where parties who have been confined as convicts, and afterwards liberated with their characters blasted and tainted, will be able, however honest their intentions, to get that kind of employment by which an honest livelihood can be obtained. Let me direct the attention of the House to the views of the right hon. Gentleman the Secretary for the Home Department, on this subject. He says—

> "In this country men regaining their liberty on the expiration of a penal sentence often find great difficulty in obtaining an honest livelihood. In the general competition for employment, character naturally and properly secures a preference to men untainted with crime; and the discharged convict is liable to be thrown back upon a criminal course of life, from the inability to procure employment by which he can honestly maintain himself. In the colonies, on the other hand, where labour is in great demand, this difficulty is not experienced, and the opportunity is afforded to the convict, on the termination of his sentence, of entering on a new career with advantages which he could not possess in this country, and of thus becoming an useful member of society. Such was the case, formerly, to a considerable extent, both in New South Wales and Van Diemen's Land, though of late, in the last-mentioned colony, it has ceased to be so, owing to the large number of convicts annually sent there, and the consequent deficiency of profitable employment for those who, either on the expiration of their sentences, or as holders of tickets of leave, have been thrown upon their own resources in the midst of a population of which a large proportion has been criminal."

At the time this letter was written, and when I left office and gave the right hon. Gentleman the view I had of the necessity of suspending transportation, it is true, that from particular circumstances there was a redundancy of labour in Van Diemen's Land; but mark the dangers of legislating with precipitancy in such matter as this, and with regard to interests so far distant. I have in my hand, from authority which is indisputable, an important statement of facts which bears closely on this question. I am not at liberty publicly to mention the name of the individual; but to the right hon. Gentleman or any of his Colleagues I shall willingly give the name if it is desired. It is the substance of a letter, dated from Hobart Town, on the 28th of January last. The difficulty, you will observe, is one arising from a supposed aggregation of convicts in that colony so as to disturb the demand for labour. The writer says—

> "The difficulties of legislating for a colony at such a distance, are forcibly shown by the state of things here at present. The latest information when I left England [I think he left in August] represented a state of things exactly the reverse of what I find to be the case. The country was supposed to be full of unemployed convicts, and it was thought desirable to find different kinds of employment for them. I find, on the contrary, that every convict able to work has been hired; and that there is a deficiency of hands to carry on the Government works. The people who complained of convicts being sent here, will in a short time be clamouring for labour. Upwards of 5,000 men have gone over to Port Philip and other parts of Australia, and the instant any man receives his conditional pardon away he goes."

That is the condition of the colony at present, and it strikingly points out the propriety of not legislating in haste with regard to the interests of colonies so distant. I say, that under proper regulations, there are none of the evils of the system of transportation that are not capable of being redressed. And the real question, after all, is a question of place. I contend that a reformatory discipline, by separate confinement coupled with transportation, is the best secondary punishment that can be devised. And just as well will the reformatory discipline be inflicted in a penal colony as here. I say it is not safe to inflict it here; but in your penal colonies, under good regulations, and with an able governor to enforce them, such a discipline is safe, and even salutary. There is nothing that can be effected here that cannot be equally well done in the colonies; and I believe the expense will be willingly borne by the people of this country, whose condition will be all the safer from society being annually purged of swarms of malefactors. As to the mother country, there can, I think, be no doubt regarding the wisdom of this policy; and as to the penal colonies, if you only apply rules such as the right hon. Gentleman himself proposes, I believe the evils that have hitherto existed may be repaired without any hasty change of our system. Not only may evils be redressed, but the benefits which it is desirable this country should possess from an efficient system, will be maintained and upheld. I will now only glance at other parts of the plan of the right hon. Gentleman. And here I should like to know what will be the period of separate confinement and of forced labour which he thinks will be a just measure of punishment, as commensurate with transportation? Because there will be this difficulty, if the period is short, the punishment will be so light as to be inoperative as an example to deter others; if it is long, public opinion will revolt against it, and it will be impossible to carry it into execution; and although it may be your desire to make the punishment long and fully commensurate to transportation, yet you will be unable to effect that object. Then, again, you may shorten the period as to those prisoners upon whom your punishment has been effectual; but what will you do with those upon whom it has failed—with incorrigible offenders? When it is clear that your convicts are not reformed, and that the consequence of liberating them will be that they will return to their former practices, are you to go on holding them in confinement in pursuance of the sentence of transportation for life, or until their full term of twenty-one years has expired? I think you will have the greatest possible difficulty in cases of this description. It appears to me, however, in conclusion, to be a question of degree and of time, rather than a question of principle. I have read evidence which I hope will satisfy the House, that, as to Van Diemen's Land, the representations of the difficulty of finding labour for the convicts is greatly overrated. The Motion at present before the House gives us no opportunity of taking the opinion of the House upon the plan of Her Majesty's Government. I am not sorry for this, but I have thought it desirable to point out the difficulties and obstacles which I see to carrying the plan into effect. If, however, the Government think it right to persevere in their plan, I shall be satisfied if I can obtain from some Member of the Government who may follow me, the assurance that they will leave this great question of secondary punishments open until the next Session. I shall be willing to go into Committee if, during the recess, the Government will take an extended view, a calm and deliberate view, of the whole subject, and come forward at the commencement of another Session with a Statute—for I hold that to be a matter of primary importance—graduating the period of separate confinement, of forced labour, of deportation with tickets of leave, or, what I should much prefer, adhering to the system of transportation with reformatory discipline in the penal colonies. If they will do this, I will gladly give them every assistance in support of the present Motion; and I shall be perfectly satisfied to leave in their hands, until another Session, the great question of secondary punishments, which should be so determined that judges and criminals may know exactly what the law is on the subject, and that no doubt may be entertained that the exercise of the prerogative of the Crown in remitting the term of fixed punishment will be comparatively rare. If they will do this, and by no means leave the question of secondary punishments vague and unsettled, I shall be ready to co-operate in framing a statute which shall define the limits of this great portion of our criminal law, and which shall place our scheme of punishment on a fixed and intelligible basis.

MR. C. BULLER: At any time, and on any question, I should feel the disadvantage I have to contend against in attempting to arrest the attention of the House after it has been addressed by the right hon. Baronet who has just sat down; but I feel that disadvantage more peculiarly and more painfully when called upon to speak on a question which he has treated with such eminent skill and clearness, and on which he has brought to bear the whole amount of his great information, and all his large and valuable official experience. That question is one which I confess I have been inclined to regard rather from one point of view; but it is the point which I trust I shall succeed in demonstrating to the House to be the best and most important from which it can be possibly considered. Before proceeding, however, to the question itself, I must be permitted to observe that there is one point in which the speech of the right hon. Baronet, which I had hoped would have satisfied me in every particular, has disappointed me more grievously than the speeches of all the hon. Members who have impugned the scheme of Her Majesty's Government. That scheme has been most minutely criticised, all its defects have been brought to light, all its demerits carefully held up to view; but no hon. Member who has made it the object of his censure, and least of all the right hon. Baronet, has condescended to tell the House in intelligible terms what other course the Government ought to have adopted. It may, perhaps, be pleaded in favour of the ordinary Members of the Opposition, that they merely exercise the common privilege of their situation, by finding fault without suggesting any other remedy for an evil the existence of which is admitted upon all hands; but surely that is a course of proceeding not to be expected from a Gentleman who most ably represents the Government with whom, or at least in whose time, originated all the difficulties which now embarrass us. Let us see in what state that Government left the question we are now considering. They had suspended, and very properly (as it appears to me) suspended the system of transportation to Norfolk Island and Van Diemen's Land. [Sir JAMES GRAHAM: Not to Norfolk Island.] The right hon. Baronet is of course at perfect liberty to keep up Norfolk Island still, if he think proper, but I certainly was under the impression that it was renounced on all hands. I really had thought that we were all pretty nearly unanimous with respect to Norfolk Island. I had thought that it was very generally admitted that Norfolk Island had suspended itself; but I will not dwell upon the point. It is at all events certain that they suspended transportation to Van Diemen's Land. By a distinct pledge given by a previous Government, transportation was never again to be resumed in New South Wales By a direct pledge of a preceding Government it was undertaken that it should never be established in South Australia, and under that pledge a colony has been founded there. Under a pledge equally solemn and emphatic, given by the Marquess of Normanby when he was Secretary for the Colonies, the colony of New Zealand was peopled. English emigrants took up their abode there on the distinct understanding that no convicts were to be conveyed thither. At the time, therefore, when the present Government came into office, there remained no place within the British empire to which convicts could be transported. Under these circumstances it became the duty of the Government to consider what was the best system of secondary punishment that could be devised as a substitute for transportation. The plan they have submitted is that which appears to them, under all the circumstances, the most eligible. The right hon. Baronet has expatiated on the peculiar difficulty which will attend the efforts to carry it into operation, and asks where cells can be found in which to confine all the convicts who will have to be treated on the separate system? I will take leave to ask the right hon. Baronet where he had himself proposed to confine the convicts who were sure to accumulate on him in consequence of his having suspended for two years the practice of transportation? I do think that I am fairly entitled to claim for the present Government the same measure of indulgence that was accorded to the late. The description of the dreadful state of things existing in the penal colonies came upon this country with some degree of surprise. The late Government were dismayed at the contemplation of such a picture. They saw the necessity of discontinuing the system of transportation, at least for a period; and it was for their successors in office to undertake the difficult and perplexing task of determining what system should be introduced in place of that which had been superseded. The punishment of transportation consisted in carrying a man to a penal colony, and there subjecting him to coercive punishment. That was transportation. It was exile from this country, and punishment in the country to which the banished man was taken. One change that the Government propose is that the coercive punishment shall be inflicted in this country, and that the simple penalty of exile shall afterwards be imposed. The right hon. Baronet opposite contends that the coercive punishment ought to be inflicted in the future seat of the convict's exile; and that, after all, appears to be the only material difference between us. The punishment of exile and removal from the mother country being inflicted in both cases, and it being determined that the prisoner shall in addition be punished by a coercive process of some kind, the question is whether you will inflict that punishment here or in the colonies. I confidently appeal to all experience to demonstrate that every plan that has been attempted of inflicting the punishment in the colonies has utterly and entirely failed. Certainly the most plausible feature in the old system was the assignment practice. It had more of the reformatory plan about it than any other portion of the system, and seemed to promise some little chance that the convict on whom it was tried in New South Wales might, perhaps, in the course of time, become respectable and regain his position. The working of the system has been very fully described. The labourer was placed in the hands of his master: his labour was extremely valuable; every motive existed to induce the master to treat him well, in the hope of getting the best work out of him. The consequence was, that it was found, as a general rule, that the condition of the assigned convict, who was liberally treated with regard to meat and clothing, was far better than that of the honest labourer in this country. Some hon. Gentlemen may forget what occurred a long time ago. My years may probably give me an advantage over other hon. Members in this respect; but I admit, that some fifteen years ago there were complaints on the subject in this country—complaints stated in various publications. Gentlemen will probably remember the paper of Mr. Sydney Smith, in which he observed that the evil of the transportation system, as it was then carried on, was this—that the condition of the convict in New South Wales was such, that it presented a temptation to honest men in England to commit crime in order to better their condition by being transported. And I am sure that the annals of the courts of justice on that point will show that transportation to a great extent had lost its terrors, and that the system that was practised was actually an inducement to crime. This state of things had gone on for some time, when a Committee was appointed to inquire into the subject, which was presided over by my hon. Friend the Member for Southwark. Hon. Gentlemen may endeavour to diminish the weight of their report by stating that the right hon. Baronet the Member for Tamworth, and the noble Lord at the head of the Government, were not constant attendants on that Committee. But the noble Lord and the right hon. Baronet lent their sanction to the report of that Committee. But I do not alone rest my eulogy of that report on the concurrence in it of those two right hon. Members, distinguished as they are; but I say, that all those who read that report, and see the information which has been collected through the exertions of my hon. Friend, must do justice to the labour with which he sifted every species of evidence, and arrived at the conclusions in that report. On that report the system of assignment was abandoned by the Government. It is necessary that we should understand this matter distinctly; and I now ask, is there any Gentleman who, in the face of the evidence contained in that report, can say that the assignment system should be restored? I have heard no one say so. I think he would be a bold man who would say so. At all events, those who say so must not be content with merely saying that such is their opinion; but they must explain to us some mode by which the system of assignment could be revived without causing all those enormous evils that had been exhibited in its former state. The assignment system was carried out by successive Governments of New South Wales: one or two of the Governors under whom it was carried out were amongst the best Governors the colony ever had; but yet the system broke down through its inherent vice. It was determined that the assignment of prisoners was no punishment at all; and it was then given up on the full determination to make the punishment in New South Wales a strictly coercive punishment. The Judges used to state, after the system was abolished, that the punishment now inflicted was one of a nature different from that which was laughed at before: it was said that the punishment was the most terrible to which human nature could be subjected; and various plans were tried to increase the efficiency of the punishment: there were the road gangs, the probation system, Port Arthur and Norfolk Island; and the public got impressed with the idea that the punishment was most severe. I give the hon. Gentleman opposite full credit for believing that the system of transportation was one that created great terror; but now listen for one moment to the revelations that have been made respecting the real working of that system. It has been an almost universal cry from Van Diemen's Land—from persons who complain that the moral character of that colony has been tainted—that its material prosperity has been destroyed—that the life and property of every individual are exposed to the attacks of lawless convicts, whom nothing could restrain. It is no exaggeration to state, that all those who could quit the colony have quitted it—that all those who were obliged to remain there, having their property embarked in it, lived there in constant dread. A gentleman visited me in the course of last year, who was compelled to come home and leave his family there; and he described to me the terror with which he received intelligence from the colony, dreading what might be the fate of his family; and it was revolting to his feelings to have to return there, and to have the prospect before him of bringing up his family in such a scene of infamy. What have been the revelations as to Norfolk Island? I need not dwell upon them —they are horrible and disgraceful to the English nation. And in the face of this dreadful working of your coercive system, after the failure of every system tried in every part of the world for inflicting a coercive punishment on the convict at a distance from the mother country, what suggestion have we now made to us as to any mode of inflicting this punishment without those horrors? This was a point on which I expected to be enlightened by the right hon. Baronet. The right hon. Baronet, who blames our course—having himself discontinued transportation to Van Diemen's Land, without telling us to what other quarter of the world it was to be directed, or where the prisoners should be lodged—does not tell us what single improvement he would introduce into the system. He tells us in the vaguest manner it might be better administered under able government and superintendence; but I defy him to get in the colonial service abler men than you had in New South Wales and Van Diemen's Land. I will allude particularly to the Governor who devoted his attention to that system, and carried it on with unwearied energy. I refer to Sir George Arthur; and a more devoted Governor never directed his attention to a subject of this kind, and yet this is the system that has grown up. But when I said there was no practical suggestion made, I forgot there was one practical suggestion made by the noble Lord the Member for Hertford, and it certainly was a gentlemanly mode of settling the matter. "Oh," said the noble Lord, "you pay your officers too little; increase all their salaries." Why now, Sir, I tell those Gentlemen at once that there are two inherent evils which render it utterly impossible to have a good system of punishment carried on in Van Diemen's Land, or any of the Australian colonies. The first is, that they are 16,000 miles from us. The convicts are punished in a colony which has no interest whatever in perfecting a penal system for this country. You want to solve one of the very greatest of social problems, namely, the best system of deterring from crime, but at the same time of inflicting a reformatory punishment. You send them to be punished in a country in which no human being has an interest whether they are well punished or not. You trust them altogether to the Governor you send out. Observe, secondly, the evil that results from that system. You trust the whole of the carrying on of this complicated and difficult system to the mere inhabitants, and to the civil staff of the small community to whom you entrust it. Observe the practical difficulty of this. You have sent out every person from the Government downward; but if a vacancy occurs in any of the offices, how is it to be filled up? Are you to wait until you send 16,000 miles back and forwards to have a man sent out? The result is, that you must carry out this difficult system of punishment, for the infliction of which you find it difficult to select competent persons in this country, with the assistance of persons selected out of a small community, consisting only of a population perhaps of 30,000. Take a town containing that number of inhabitants that is nearer to you, and see whether you will find in that town intelligent agents who are fit to superintend the management of some 20,000 or 30,000 convicts. The thing is impossible. The right hon. Gentleman may talk as vaguely as he likes, and use as high terms as he chooses; but the power of punishing convicts, and regulating a good system of reformatory and deterring punishment, at a distance of 16,000 miles from the mother country, is an impossibility for which he has suggested no remedy, and for which it is not in human nature to suggest a remedy. But, then, before you condemn the plan the Government has brought forward, and before you say it is wise to inflict the punishment in the colony, and not to inflict it here, point out to me how you can inflict the punishment in the colony in a way to satisfy yourself. I am sure there is no gentleman on either side of the House who does not regret the horrible results that have taken place in Van Diemen's Land and in Norfolk Island; and I feel assured they are as repugnant to their feelings as to the feelings of the Government. But, before you say to us that the system ought to be continued, you ought to point out to us precisely the measures you would have taken to prevent this evil from recurring. I speak in the presence of those who were connected with the Home and Colonial Departments of the late Government; they are practical men, thoroughly acquainted with the working of the system, and they ought to be able to say what should be the remedy. But although they have all said there ought to be a remedy, yet none of them has told us what that remedy ought to be. It would, I think, be far better for us to take the punishment of the convict upon ourselves, when he will be punished under the eyes of that community which is interested in the objects of that punishment being carried out, and under the eyes of the great officers of State, who will be responsible for the result of that experiment. But there is one point of view I think far more important even than the important one to which I have called the attention of the House now. My hon. Friend the Member for the University of Oxford (Sir Robert Inglis), has said that in a colonial point of view the working of this system in the colonies is of great importance in its bearing on the mother country. I say, and I appeal to his judgment and to the judgment of the House, is it not of infinitely more importance as regards the colony? No doubt the question may be thought to affect the larger number at home; but in what intensity does it affect the colony? It is only one of the great social questions which you have to deal with in this country; one of the ends of the administration of justice—the disposal of a small portion of your population—4,000 or 5,000 criminals. But how stands the question as regards the colony to which you send those criminals? It is a question that affects the elements of society, and the moral character and future destiny of those colonies. And our own experience of transportation shows they may make the colony a scene revolting to the nation; and it would be scandalous to the national character that we should, for any convenience to ourselves, persist in such a system as that by which the penal colonies have been conducted in former times. Gentlemen seem to think that the horrors revealed with respect to Van Diemen's Land and Norfolk Island are something new; but I ask, have those Gentlemen read the evidence given before, and the report of the Transportation Committee of 1838, from which it appeared that not a single evil prevailed in Norfolk Island and Van Diemen's Land that had not exhibited itself to a formal extent in the colony of New South Wales? I do not think it at all necessary that I should go into detail to show here that the liberating 4,000 or 5,000 convicts from a system of imprisonment, or gang labour, or assignment, that prevailed in this colony, is a system calculated to be exceedingly prejudicial to the character of the colony. I am bound to say that, considering all the circumstances of their unhappy case, the conduct of the emancipists was better than people could expect it to be, and the results more satisfactory than might be anticipated; but every person cognizant of what their state was, must say that state was to be lamented, and that it was a matter of regret that so important a colony as that ever should be formed out of such elements. I know it has been said the prosperity of New South Wales was owing to the importation of convict labour into the colony; but I believe the fact to be the reverse. I think convict labour in that country has on the whole been detrimental; for what was the result? It was calculated to prevent free immigration to that colony, where every man would possibly have to associate with convicts; and thus it made colonisation difficult to that part of the world. The hon. Gentleman has said that the prosperity of New South Wales is unexampled; but I say that with all its advantages it is the colony that has made least progress, save West Australia; and Southern Australia, within the same period, has progressed three times as rapidly. This is the main ground on which I rest my objection to continuing the system of transportation on the same footing as heretofore. It filled the country with a bad class of slave labour: the system had all the disadvantages of slave labour, and not one of its benefits; it, moreover, sent in a bad class of settlers, calculated to deteriorate the population in the infancy of society. Every one acknowledged that the founders of a new colony should endeavour to make it as much as possible a reflection of the mother country. But by the transportation system there is a half-and-half sort of society introduced, partly free and partly enslaved, in which it will be utterly impossible to establish the institutions of the mother country. And in what description of country did they continue the system? Was it in such a place as Siberia, to which the Russians sent their convicts; or the Portuguese colonies on the coast of Africa; or the French colonies? No, Sir, but in the most valuable field of colonisation in the whole circle of the British empire; and rather than perpetuate the evil in that part of the world, any inconvenience should be borne by the mother country. Even if it were less expensive, and even if they saved money by it, they should not purchase this end by devoting this part of the world to such purposes. I am not supporting a system that proposes to leave all those people in the society of the mother country. But it is a different thing for a colonial society to take the convict after he has gone through a reformatory process, the best that can be devised here, and to take him out under the old system. I would not treat with disrespect the opinion of the Judges; but I think there has been undue deference paid to them. It is not the practice to defer to them in all questions of penal jurisprudence. This is a matter for the Legislature, in which they have not always been guided by the opinion of the Judges; and our criminal code would not, I think, have been so improved if we had been altogether guided by them. I still maintain, in spite of my hon. Friend the Member for Somersetshire, that on looking to this opinion it does not militate at all against my view. The opinion was taken on certain leading questions very artfully put; and the main question, without mentioning any substitute, was, would they approve of doing away with transportation? That was, the whole horror of transportation; and to that was to be superadded separation from his friends, and absence from his native country. All the difference in the two systems was, that the punishment came first, and the exile afterwards. If there were any other terrors in transportation—if the convict, while confined in prison, knew he was to be carried to Norfolk Island and New South Wales, and plunged into that hotbed of vice, where, to use the expression of a convict to one of the Judges, "the heart of a man is taken out of him, and the heart of a beast put into him"—I declare that this is a punishment, a terror which no Legislature has a right to exercise. In fact, those parts of the system of punishment which there has been most anxiety to get rid of, are those which the House should be anxious to retain. The House has been alarmed with accounts of the terrible state of things in France, resulting from the liberation of convicts from the galleys; but let it remember, the state of England is very different from that of France. The system of punishment in the galleys is the most detestable ever practised in any civilized nation. That is acknowledged in the reports, and by many Members of the Legislature. Again, the police of France is most imperfect for the purpose of detecting ordinary crimes. It may be very efficient for political purposes, to which it has been always devoted; but it is the worst for the prevention of ordinary crimes that ever was seen in the civilized world. I cannot sit down without adverting to the situation in which Her Majesty's Government find themselves in dealing with this question. One would suppose, from the tone of hon. Gentlemen opposite, that this plan is a rash intermeddling with a satisfactory state of things, rather than one imposed on them by necessity, and to which they are compelled by the obvious failure of the previously prevailing system. A discussion on secondary punishments, a very hasty deliberation on the subject, would have been extremely unwise, if not impossible—and it is far better to try an experiment under the old law than to introduce a new one, which may require amendment in another year. It certainly is a great experiment on a very momentous subject. The pledge that has been asked for, the Government has given; and it has admitted it would not be right to alter the nature of secondary punishments without the sanction of Parliament. All Government asks is time to prepare a measure in reference to the subject to which it will ask the House to accede; and, under the circumstances, Government has acted rightly with respect to this great experiment, which has been forced on it by necessity. I do not pretend to claim for its decision a character of excessive wisdom; but I believe it is the best to which it could come, under the circumstances.

Sir F. KELLY said, that if the right hon. Gentleman had fully met the right hon. Baronet's arguments, he (Sir F. Kelly) would not have risen to reply to him; but whilst the right hon. Gentleman had showed, with his usual ability, some of the evils of the present system, he had left wholly untouched the great substantial, legal, and constitutional objections to the present plan; and, unless he received some more definite promise from the Government, he should feel it his duty to give the Government plan in every stage his opposition. That plan went at once to repeal the provisions in every Act which inflicted the punishment for a hundred offences, of transportation, without any enactment of the Legislature; and it went without any information to the public, and without any instruction to the Judges, to nullify every sentence of transportation, and to apply some system which was not yet decided on. What was to be the substitute for the present system? What was its precise nature and extent? As yet they did not know; it was to be left to the exercise of the discretion of the Government, possibly after Parliament was prorogued, and certainly without Parliament being able to control it, or to suggest an opinion upon it. Before the House of Commons could be called upon to assent to such an extensive, and, as he believed, unprecedented change, without an Act of Parliament, he must ask whether this change were authorized; and, whether it could be done without such an Act? While the Judges were still to be called upon by statute annually to pronounce sentence of transportation on many thousands of offences, it was proposed to abolish transportation itself without any new statute; and it was proposed to be effected under the powers supposed to be given by the Act 5 George IV., c. 54, which was enacted with an entirely different view. And here he must ask whether any one in that or the other House of Parliament, or out of Parliament, distinctly pledged his legal reputation that this could be done under that Act? The proposal had been distinctly impeached by high authorities—by one who had been Lord Chancellor, and by another who had held high judicial office; and he would venture to inquire whether the noble and learned Lord who now held the office of Lord Chancellor had pledged his high reputation as to the legality of this scheme under that Act? for, if he had, he (Sir F. Kelly) would for the present, at least, withhold his own opinions. Or, had the noble and learned Lord, who had been distinguished at the bar, and who was now a Member of the Cabinet, pledged his legal acquirements to the legality of the scheme? And it would be a great surprise to him to hear such a pledge given by his learned Friends the Attorney General and Solicitor General, who had not yet spoken in that debate. The title of the Act under which it was proposed to carry out this scheme was, "An Act for the Transportation of Offenders from Great Britain;" and it enacted that it should be lawful to detain a person in prison until the offender should be transported according to law, or should be entitled to his liberty. At the time when this enactment passed, no such scheme as the present was ever contemplated. Another object of the Act of 5 George IV. was, that in those places where it was absolutely necessary prisoners should be confined previous to their being transported, they should be placed under proper supervision and control. So far was it from being ever meditated or thought of that imprisonment should be substituted for transportation, he could show that the very object of the right hon. Baronet the Member for Tamworth, and Sir Wilmot Horton, who brought in the Bill, was to render transportation quick, if not immediate and certain, and that transportation should be considered a punishment of the highest degree. Yet it was under this Act that the Ministers of the Crown were now, without any semblance of legal authority, but merely by virtue of the words, "or shall become entitled to his liberty,"—which words evidently meant, in case the prisoner should be pardoned, or sickness should render it impossible that the party should continue in the same place of imprisonment—it was under this Act, and by the force of these words, that the Government proceeded to repeal a hundred Acts of Parliament and to nullify all the sentences of the Judges where transportation was the punishment awarded. There were many cases in which the Judges were called upon to pronounce a sentence of imprisonment for a limited period—say for two years, or transportation for seven or fourteen years. Now, what would be the effect of the alteration proposed by Her Majesty's Government? A judge tried an offender; he was convicted; the judge had the power to sentence him to two years' imprisonment and no more; but he had also had the power to sentence him to transportation for fourteen years. Was it now to be contended, that Government, without an Act of Parliament, could nullify that sentence of transportation, and change it into imprisonment for seven or fourteen years? This might well raise serious doubts—he would not say more—whether this Act of 5 George IV. would warrant the course about to be taken by the Government. He would offer no opinion upon the subject; but he must earnestly warn the Government against adopting this important and extensive change, feeling that if it should prove that it was not sanctioned by high legal authority, there were high legal authorities against this construction. He would warn them, because it might lead them to this consequence—that if they extended imprisonment in any case in which a sentence of transportation had been passed one day beyond that period necessary for carrying the sentence of transportation into effect, they might incur the peril of every prisoner in such a case appealing for a writ of *habeas corpus*, and thereby overturn the whole criminal law of the country, by giving them the power to obtain their liberty through the very process of the law itself. He would appeal to his hon. and learned Friend the Attorney General, whether this might not be done? While such high legal authorities had thrown serious doubts upon the construction of the Act, he ventured to ask whether it were expedient for the House to give legality to a proceeding of this nature? Undoubtedly it was in vain to deny thut the present system of transportation was productive of great evils, and that it required all the wisdom of the Legisture to remedy those evils; but would his hon. and learned Friend who last addressed the House (Mr. C. Buller) contend for the assumption of a power like that which the Government were now taking to themselves, because the evils might be great and the remedy difficult to devise? They had the evidence of no less a person than Sir George Arthur, upon whom his hon. and learned Friend had bestowed a high and well-deserved eulogy—that great as were the horrors of the system pursued in Norfolk Island, yet the evils even there might be remedied at a trifling expense to the mother country. Increased superintendence, and an increased number of separate apartments, would, in the judgment of that experienced person, afford a remedy for most of the evils of the system. It was with this remedy open for adoption by the Legislature and the Government, that Her Majesty's Ministers were now rushing forward to make a perilous experiment in the face of an Act of Parliament. The 5th of George IV. was really passed to render transportation more severe than before, and yet the Government were seeking by means of that very Act to abolish transportation altogether by changing it to imprisonment. He contended that it was not in the power of the Executive Government, when the law awarded a specific sentence, to substitute for that sentence some other and a different kind of punishment. It was an act entirely contrary to the spirit of the constitution. The most effectual mode of deterring the evil-minded from the commission of crime was to enact a law fixing punishments that should be immediate and certain; and we had, in transportation, a punishment fixed by many statutes, and which all Judges in England, Scotland, and Ireland, and, in fact, every individual concerned in the administration of criminal justice, concurred in thinking the best prevention of crime. Upon this point all concurred; yet it was now proposed to take this punishment away. There was another consequence of this change to which he begged the attention of Her Majesty's Government. Until an Act of Parliament was passed, which distinctly pointed out and defined the sentences to be passed by judges, and declared what punishments were to be affixed to felonies not punishable with transportation, the Judges of the land would be placed in a situation, not only unconstitutional, but which it was unfair to themselves to place them in. It was unjust to society to place the judge who tried an offender, according to the statute law of the land, in such a situation that, when called to pronounce sentence, he did not know what sentence to pronounce that would be carried into effect, and knew not what admonition to address to the criminal. It was exposing a judge to ridicule thus to nullify his sentence, and to say that he should pronounce with gravity one of those impressive admonitions which often had such a powerful effect, not only upon the criminal himself but upon the bystanders, when the criminal and all who heard that admonition knew that it was a mere mockery, as it was not intended to be carried into effect. Was it just to society, was it right, was it wise, was it fair to the Judges, to place them in such a situation? One consideration more. He did not deny that, with respect to many offences now punishable with transportation, it might be better to substitute some moderate amount of imprisonment with or without labour, at the discretion of the judge. But there were also many classes of offences of a far graver character, for which, unless the next severe punishment to death were inflicted, there would be no security against the commission of the most terrible crimes. There were crimes which had been punishable with death—such as murder and arson—where the disinclination of juries to find a verdict of guilty led them to convict the offender of manslaughter, or some lesser offence than he was charged with, but which deserved a punishment short only of death. How was it meant to deal with those cases? Let the Government define what they meant to do with them. Did they mean to say they would at once publish to the world, that if a person charged with murder could get an individual upon a jury who objected to the punishment of death, or his counsel could procure a mitigated sentence of transportation, some other sentence was to be passed which nobody knew? Did they mean to hold out that transportation was gone, and that the sentence was to be something undefined, something unknown, something which the Secretary of State would not or could not announce? He was far from saying that improvements might not be introduced into the system of transportation. and that extensive reforms might not be effected in the colonies; but he asked the House to pause before it consented to the total abolition of transportation, before it sanctioned a change of very doubtful utility. He had only one more observation to make with respect to form. Although, as he had said, he considered the Bill open to serious objections, they might be met and obviated in Committee; he should not, therefore, be justified in voting against its going into a Committee. But if he was to understand that this Bill was brought forward, coupled with other measures, and to be considered as part of the machinery by which the new system was to be carried into effect without an Act of Parliament, unless he heard a distinct pledge given by Her Majesty's Government that this was a temporary experiment and limited to the approaching recess, and that a measure was to be brought forward hereafter in the shape of a Bill, he should feel it to be his duty to oppose this Bill in all its forms and stages in this House.

LORD J. RUSSELL: No one can doubt the great professional ability of the hon. and learned Gentleman who has just sat down; and if this was a question in which we had to determine only the legal interpretation of an Act of Parliament, I should feel myself quite unequal to contend with the hon. and learned Gentleman. But I can only express my astonishment that the hon. and learned Gentleman, so well acquainted as he is with his profession, so eminent as he is in that profession, should have shown himself so totally ignorant of the administration of the criminal law of the land. Any one would suppose, who had heard the hon. and learned Gentleman, that the Judges of the land pronounced certain sentences, and that those sentences were exactly, regularly, and invariably carried into effect; that when a sentence of death, or a sentence of transportation was passed, the execution of that sentence immediately followed the pronouncing of the sentence. The hon. and learned Gentleman says, it would be an unconstitutional course; and would cover the Judges with ridicule, if capital or other punishments were to be done away with by the Executive Government. The hon. and learned Gentleman ought to be aware that capital punishments had been done away with by the recommendation of the Judges and the acts of the Executive Government, or by the Executive Government alone, long before any Act of Parliament had been passed for the repeal of those capital punishments. There is hardly any offence that I could name with respect to which this was not the case. I cannot state the precise number now; but not many years ago, scarcely one sentence out of ten passed to inflict capital punishment, was ever carried into effect, there being many offences with respect to which no one would ever have dreamed that the strict sentences would be put into operation; and if they had been carried into effect, the whole world would have cried out against the barbarity of the Government. And what is the present state of affairs; and what has been the state of affairs for the last ten years? When I was Secretary of State for the Home Department, and since then, there have been several offences, with respect to which the Judge on the bench passes sentence, and immediately afterwards writes a letter to the Secretary of State, desiring that the sentence may not be carried into effect, but that it may be commuted into some other kind of punishment. Yet the hon. and learned Gentleman says, that the criminal law is turned into ridicule, if the sentence actually pronounced be not carried into effect. Then with respect to transportation, which is the subject now before us, according to the hon. and learned Gentleman, here is a great change proposed, and a most unconstitutional step taken by the Government. There are, he says, to be persons actually sentenced to be transported, and yet that sentence is not to be carried into effect. Why, this has been the case for the last twenty-five or thirty years. Sentences of transportation have been continually pronounced and not carried into execution; and one Act of the right hon. Gentleman (Sir J. Graham), when he was Secretary of State, was, to order that certain prisoners should be sent to Pentonville prison, there to be confined for eighteen months, and afterwards to be transported. I was one of the Commissioners of Pentonville prison—having been appointed on the advice of the right hon.

Gentleman—and was one of those who, in the capacity of Commissioner, asked him to allow a great number of those prisoners to receive conditional pardons on arriving in the colony—the very thing against which the hon. Gentleman protests, namely, the severity of the punishment being undergone in this country, and not in the colony; and last year, the hon. Gentleman being Solicitor General, the right hon. Gentleman took on himself to advise the Crown to suspend transportation for two years. This was suspending the law for some hundreds of offences; and according to the hon. and learned Gentleman the law was thereby turned into ridicule, and the venerable Judges made the laughing-stock of the country for pronouncing sentences which were not to be carried into effect. [Sir J. GRAHAM begged to correct the noble Lord. Before he left office, transportation was not suspended; but when he left office he stated to his successor that he was satisfied the time had arrived when it ought to be suspended.] The right hon. Gentleman was of opinion that transportation ought to be suspended, in which opinion Mr. Gladstone concurred; and I cannot suppose that the right hon. Gentleman would recommend a thing which he thought illegal; and if he had had any doubt on the subject, the law officers of the Crown would have been consulted. But I believe that the practice which has been pursued of detaining prisoners in the hulks —a practice pursued when Lord Eldon, Lord Lyndhurst, Lord Brougham, and Lord Cottenham were Chancellors, was a practice directly sanctioned by the law. I at least can read the Act of Parliament in no other way. The history of transportation in later days, I will endeavour shortly to state. After the American war, when there was an end to transportation to the North American colonies, an Act was passed sanctioning transportation under certain conditions, and transportation took place to New South Wales. In 1816, an Act was passed empowering the Secretary of State to send persons sentenced to transportation to certain prisons of confinement within this country, or in rivers or ports of the country, there to be kept until their sentence expired, or until they were otherwise set at liberty by pardon from the Crown or otherwise. The origin of that Act, and I believe, of some subsequent changes which were made, was, that there was a great difficulty in disposing of the number of transported felons in the colonies. Lord Bathurst was so convinced of this difficulty that he attempted to found a new settlement, and proposed to grant lands—a million of acres—to a certain company, on the condition that they should take a certain number of felons to be employed by them. Under the sense of this distress and difficulty as to employing these convicts, the Act of 1824 was passed, which contained a clause to which the hon. and learned Gentleman has very slightly referred, as if it only incidentally noticed the detention of convicts on board the hulks, but which seems to me to embrace the very practice which I believe before 1824 —namely, in 1815, but certainly since 1824, under the Act of that year, has been in operation. The Act says that it shall be lawful from time to time, by warrant under sign-manual of the King, to appoint places of confinement in England and Wales, either on land or on board of vessels, or within the limits of some port or harbour in England and Wales, for the confinement of offenders under sentence of transportation; and it afterwards says, that every offender so removed should continue in the same place of confinement, or be removed to some other such place as one of Her Majesty's Principal Secretaries of State should from time to time direct, until such offender should be transported or be entitled to his liberty, or until one of the Principal Secretaries of State should direct the return of the offender to the gaol from which he had been removed. Now the words "until he shall be entitled to his liberty" may mean, I think, until the term of his sentence shall expire. What was done under this Act? Nearly all, and at some periods all, those who were sentenced by the Judges to transportation for seven years, were sent to the hulks, or put to hard labour, according to a regular system; and at the end of a fixed term of four years, if they behaved well, they did, according to the established practice, receive a pardon from the Crown, signed by one of the Principal Secretaries of State. The sentence of transportation, therefore, was not carried into effect, but was commuted into confinement on board the hulks for a period of four years. This has gone on from 1824 until 1847, under learned and eminent persons holding the office of Lord Chancellor, and while many other eminent and learned persons were the law officers of the Crown. This, I repeat, has gone on until 1847, and no one ever raised a doubt as to the legality of the practice.

Yet whilst this practice was pursued, the hon. and learned Gentleman represents, though not correctly, I believe, that the learned Judges, in passing sentences of seven years' transportation, thought that every man so sentenced was sent to New South Wales, although, in fact, they were regularly sent to the hulks. My belief is that such was the intention of the Legislature; and this intention was carried into effect by the different Secretaries of State considering the Act of Parliament sufficient authority for its being done. But then the hon. and learned Gentleman says that this is a great change of the ancient system—there is to be imprisonment for a certain period, labour in public works, tickets of leave, or exile, as the hon. and learned Gentleman calls it, to a distant colony. Now, with respect to the treatment of prisoners when they reached the colonies, I do not believe that the learned Judges ever had in contemplation, or ever attempted to define, what was the system to be carried into effect when these persons were sent to the colonies. In fact, it was impossible they could do so, because it changed from time to time. At one time it was a system of assignment, which has been described as a system of slavery. But was that uniform? No; for when these persons were sent to Bermuda, they were sent to a system of hard labour. Yet the learned Judge might pronounce the sentence upon two persons during the circuit, and one of them might be sent to Bermuda, and the other to Tasmania; they underwent two different punishments, and his sentence did not affect the case one way or the other. That system of assignment was changed, I think, when I was Secretary of State. I put an end to it. Lord Stanley substituted for it an elaborate system of probation on public works, with certain gradations; but with all that, the sentence was not changed—the Act of Parliament was not changed; whether it was assignment only in New South Wales — whether it was public works at Bermuda — whether it was the system of probation in Van Diemen's Land—whichever plan was carried out, the sentence of the Judge remained the same, and the Act of Parliament was not altered, whatever changes took place. And now the hon. and learned Gentleman says, and other Gentlemen have said so before, that, after all these changes, to have another system by which one portion of the time is to be passed in separate confinement here, and another portion upon public works in this country, and another portion in the colony with ticket of leave, is highly unconstitutional. One system may be wiser—one system may be more efficacious—than the other; but that there should be any difference between them in point of legality and constitutional principle, is what I am utterly unable to conceive. This system of transportation upon ticket of leave, the hon. and learned Gentleman represented as if it were mere banishment, and the person might go and travel where he liked. The ticket-of-leave system, like the assignment system, is a system of severe restrictions, to be carried into effect by colonial law and by means of colonial officers; it is a system entirely different from exile or banishment; it may be good or it may be bad, but it is not a system with which the sentences of the Judges have anything to do. The sentences they have passed in former years have had—the sentences they may now pass have—nothing to do with it; the question is, when the sentence of transportation is passed, what is the best mode of carrying that sentence into effect? And now, Sir, having stated thus much to vindicate the Government from the charge of introducing a system totally at variance with the law, I am content to rest the changes which have been proposed upon the speeches that have been made by my right hon. Friend near me (Sir G. Grey), by my hon. Friend the Under Secretary for the Colonies (Mr. Hawes), and by the Judge Advocate (Mr. C. Buller). I think the system which is now proposed will be an improvement upon the present system. I think we must adopt some change or other; we are forced to it by necessity. The state of Van Diemen's Land, and the horrible accounts we have, would not allow the late Government to contemplate the continuance of transportation as it has been carried on during the last seven or eight years; they were of opinion that that system ought to be abandoned. Being abandoned, it is obvious that you must have, at least during those two years for which they proposed to abandon it, some mode of dealing with these people. The right hon. Baronet (Sir J. Graham) says—it is part of his argument—that there are not enough prisons and separate cells to confine at once the whole of those who are sentenced to transportation. Why, then, if they are not to be actually transported, and you have not cells enough to confine them in prisons, you must have some subsidiary means, such as work on the hulks, or on some public works or other, which shall be part of the system to be adopted. So far, at least, the House must see that it is a matter of necessity. With respect to the system to be adopted, I do not differ so much from the hon. and learned Gentleman who has just spoken. I think with him. I thought many years ago that it was desirable, as we have taken away the punishment of death from many offences, so likewise there were many offences to which the punishment of transportation was applied by law to which it ought no longer to be applied. I own I have seen many cases myself, in which I thought that sentence ought not to have been pronounced; and, therefore, when I was formerly in office, I had in contemplation a change in that respect in the law. But a change in the law, the hon. and learned Gentleman must see, is not to be made without great deliberation; it requires a very mature consideration of each particular act, and the nature of each particular offence, before we draw any line between those acts which shall hereafter bear the sentence of transportation, and those which shall be punished only with imprisonment. To that subject the Government will devote their most serious attention. To the subject likewise of a Bill by which the sentence should be defined more in accordance with the practice that is to be adopted, they will pay attention, with the view of bringing in such a Bill in the course of the next Session. But I must say I think it would have been unwise to attempt those two measures in the present Session, either a measure taking away the punishment of transportation from a large number of offences, or the measure for more exactly defining the sentences that were to be passed, and making them more in accordance with the practice which Government and Parliament proposed to adopt. With these explanations I trust the House will have no objection to go into Committee on these Bills. So far from wishing to commit the House by pledging them to any plan the Government may in future bring forward, I was rather anxious that these Bills should be allowed to pass by themselves without discussion, except in Committee, and that the question of transportation should have been raised upon a different Motion, solely with a view to that subject; but the noble Lord the Member for Hertford did not choose to take that course, and according to his wish the question of transportation has been discussed upon these Bills. I think there is no subject of more importance—none more worthy of the attention of the House. But I hope that when the House does come seriously to consider any Bill having that question directly in view, it will consider the benefit of the colonies, as well as the benefit of the mother country. I own I think it has been too much the custom both to pass Acts imposing the penalty of transportation, and to pass sentences of transportation, with a view rather to the convenience of this country than the reformation of persons who were known to be of vicious habits, or the interests of the colony to which they were sent. We are bound to consider those interests likewise. We are bound, when we are planting provinces, perhaps in future times to be empires, in other parts of the globe, to endeavour that they should not be merely seats of malefactors and of convicts, but communities fitted to set an example of virtue and of happiness; and not to make plantations, as Lord Bacon says, of the mere scum of the land.

The House divided:—Ayes 124; Noes 76: Majority 48.

List of the AYES.

Acland, Sir T. D.
Acland, T. D.
Adderley, C. B.
Aldam, W.
Anson, hon. Col.
Baine, W.
Baring, rt. hon. F. T.
Barron, Sir H. W.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal, R.
Bodkin, W. H.
Bowring, Dr.
Brotherton, J.
Buller, C.
Buller, E.
Burke, T. J.
Byng, rt. hon. G. S.
Callaghan, D.
Carew, W. H. P.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chapman, B.
Christie, W. D.
Colebrooke, Sir T. E.
Corbally, M. E.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Capt.
Dashwood, G. H.
Dawson, hon. T. V.
Dickinson, F. H.
Drax, J. S. W.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Escott, B.
Esmonde, Sir T.
Etwall, R.
Evans, W.
Ewart, W.
Ferguson, Sir R. A.
Fleetwood, Sir P. H.
Forster, M.
Fox, C. R.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Gore, hon. R.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Guest, Sir J.
Hallyburton, Ld.J.F.G.
Hanmer, Sir J.
Hawes, B.
Heathcoat, J.
Hobhouse, rt. hon.Sir J.
Hollond, R.
Hope, A.
Howard, hon. C. W. G.
Jervis, Sir J.
Langston, J. H.
Lawless, hon. C.
Layard, Major
Lemon, Sir C.
Lindsay, Col.
Macaulay, rt. hn. T. B.
M'Carthy, A.

Mainwaring, T.
Marjoribanks, S.
Maule, rt. hon. F.
Mitchell, T. A.
Molesworth, Sir W.
Monahan, J. H.
Morpeth, Visct.
Morris, D.
Morison, Gen.
Mostyn, hon. E. M. L.
Neville, R.
O'Brien, J.
O'Connell, M. J.
O'Ferrall, R. M.
Owen, Sir J.
Parker, J.
Perfect, R.
Philips, M.
Pinney, W.
Plumridge, Capt.
Price, Sir R.
Protheroe, E. D.
Pusey, P.
Ricardo, J. L.
Rice, E. R.
Rich, H.
Romilly, J.
Ross, D. R.
Russell, Lord J.
Russell, Lord C. J. F.
Rutherfurd, A.
Sandon, Visct.
Seymour, Lord
Shelburne, Earl of
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Towneley, J.
Trelawny, J. S.
Villiers, hon. C.
Vivian, J. H.
Ward, H. G.
Wawn, J. T.
Williams, W.
Winnington, Sir T. E.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wyse, T.
Yorke, H. R.

TELLERS.

Hill, Lord M.
Tufnell, H.

List of the NOES.

Alford, Visct.
Archdall, Capt. M.
Bagot, hon. W.
Bankes, G.
Baskerville, T. B. M.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Beresford, Major
Berkeley, H. C.
Blackburne, J. I.
Blackstone, W. S.
Boyd, J.
Brisco, M.
Broadley, H.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. N.
Clive, Visct.
Codrington, Sir W.
Cole, hon. H. A.
Colville, C. R.
Compton, H. C.
Davies, D. A. S.
Deedes, W.
Duckworth, Sir J. T. B.
Du Pre, C. G.
East, Sir J. B.
Farnham, E. B.
Fellowes, E.
Floyer, J.
Forbes, W.
Fuller, A. E.
Gardner, J. D.
Goring, C.
Granby, Marq. of
Greene, T.
Grogan, E.
Hamilton, G. A.
Harris, hon. Capt.
Hildyard, T. B. T.
Hodgson, R.
Hotham, Lord
Hudson, G.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Lennox, Lord G. H. G.
Lowther, hon. Col.
Masterman, J.
Miles, P. W. S.
Miles, W.
Morgan, O.
Morgan, Sir C.
Mundy, E. M.
Newdegate, C. N.
Newport, Visct.
Packe, C. W.
Palmer, R.
Prime, R.
Rashleigh, W.
Reid, Col.
Rolleston, Col.
Round, J.
Seymer, H. K.
Shaw, rt. hon. F.
Sibthorp, Col.
Spooner, R.
Stanley, E.
Thompson, Mr. Ald.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Trollope, Sir J.
Verner, Sir W.
Vyse, H.
Waddington, H. S.

TELLERS.

Kelly, Sir F.
Law, hon. C. E.

Bill considered in Committee. Committee to sit again.

House adjourned at half-past One o'clock.

HOUSE OF LORDS,

Friday, June 11, 1847.

MINUTES.] PUBLIC BILLS.—1^{a} Naturalization of Aliens; Bankruptcy and Insolvency (No. 3); Masters in Chancery Affidavit Office.

2^{a} Naval Mutiny.

3^{a} and passed:—Lunatic Asylums (Ireland); Turnpike Roads (Ireland).

PETITIONS PRESENTED. By the Marquess of Normanby, from Warwick and other places, for the Enactment of Sanitary Regulations.—From Clergy within the Rural Deanery of Westham, Sussex, against the Clergy Offences Bill.

EDUCATION.

The BISHOP of EXETER rose, pursuant to notice, to move—

"That it is the opinion of this House that persons in holy orders not exercising ecclesiastical functions ought not as such to be ineligible to the office of schoolmasters in schools receiving aid from Parliamentary grants."

The right rev. Prelate said he could assure their Lordships that the principle involved in this proposition was of great importance. It was one which could not be estimated as it appeared in the paper, and a more complicated question and one of a larger interest it would be impossible to find; it was whether the House would join with the Government in inflicting upon a meritorious and ill-rewarded class of public functionaries a lasting degradation. The danger which the Government had to apprehend in respect of schoolmasters in schools receiving Government aid was, that if they were capable of giving the scholars valuable instruction, and in fact of being the teachers of much higher classes, then they were likely to resign their situations if they had nothing to hope for but the small pecuniary pittance held out to them by their schools. The Principal of St. Mark's College, Chelsea, and others well acquainted with the feelings of the most competent masters in the National schools, assured him that there was no boon so great, no reward of which they were so ambitious, as to be admitted into the Church; being schoolmasters, they looked forward to the time when they might be ordained as clergymen. In a publication put forth with the sanction of the noble Marquess (the Marquess of Lansdowne), and entitled *The School in its Relations to the State*, avowedly the work of Dr. Kay Shuttleworth, he found the admission that religious motives could alone induce many of the more highly qualified teachers to sacrifice personal advantages, and continue their scantily paid labours. The writer showed that, unless greater inducements were held out to the training masters, they would be attracted by the greater ease and comfort of commercial situations, and said every means should therefore be adopted to render the office more honourable. These training-masters and teachers knew for themselves as well as the Committee of Council, what they desired, and what were the circumstances which would retain them in their profession. The Minutes held out the prospect of a pension after 15 years' service, provided the master were debilitated and unfit for further service. But a far higher reward might be held out to those persons, and had been so held out by himself. He (the Bishop of Exeter) had offered to ordain these training-masters if they were fit for deacons, and he did so because they were schoolmasters, and were determined to go on as schoolmasters, even though they were in holy orders. He was now about to move that persons in holy orders ought not, as such, to be ineligible to teach in the schools receiving aid from Parliamentary grants. One of the inspectors of the Committee of Privy Council on Education, in his report on St. Mark's College, spoke in very high terms of the acquirements of the training-masters at that institution, and of their high qualifications in an intellectual, moral, and religious point of view. He (the Bishop of Exeter) had also seen these young men, and had read what they had written, and he was satisfied that their attainments were such as would confer high credit upon many of those who came from the Universities and passed under the examination of their chaplains for the Church. Great temptations would be held out to draw these young men to railways and other commercial employments; but if they could look to the possibility of their being ordained, they would thus be induced to remain in the profession. In that very College of St. Mark's, which was now receiving 1,000*l.* a year from the Parliamentary grant, the master of the ordinary school in which the training-masters were exercised in the practical business of teaching was a clergyman, who had been ordained by the Bishop of London two years ago in consequence of his high qualifications. He would maintain that it was the duty of the noble Marquess to have placed upon the Minutes of the Committee of Privy Council that exclusion which he had now thought fit for the first time to announce. That Committee had resolved, on the 25th of August last, "that the Lord President should cause a resolution to be framed defining the duties of schoolmasters." He should have expected to find in that resolution, so framed by the Lord President, a declaration that no clergyman should exercise the functions of a schoolmaster. But no such statement was contained therein; and yet the noble Marquess now said, that to allow a person in holy orders to fill the office of schoolmaster in schools receiving aid from the State, would be inconsistent with the whole plan of the Government. He hoped the noble Marquess would say whether the matter to be taught in these schools was matter which a clergyman was or was not unfit to teach. What were the duties of the inspectors, as imposed upon them by the noble Marquess himself, in their visitation of the Church schools? The inspectors were to take special care to inquire how far the doctrines and principles of the Church were instilled into the pupils, and whether the liturgy and services of the Church were carefully explained to them. Were these duties which a clergyman was incompetent to discharge? According to the interpretation put by the noble Marquess on the present Minutes, they involved a breach of faith; for, under the former Minutes, the managers of the schools had the power of appointing or of dismissing masters, without being subject to any of these conditions or restrictions. The right rev. Prelate then proceeded to read and comment upon extracts from what was understood to be the report of the negotiation between the Committee of the Privy Council and the delegates of the Wesleyans; but he was only very indistinctly heard. The chief grievance put forth by the Wesleyans, he said, appeared to be, that the ranks of the new teachers for these schools were to be, as they apprehended, recruited from the order of deacons. This they considered to be a great grievance; and it was the main ground of their objections to the Government measure. Now he (the Bishop of Exeter) could understand that the Wesleyans might offer some objection if parochial clergymen, actually performing the duties and receiving the money of a parish, should also be receiving salary as teachers in these schools. He could conceive that such an arrangement might be considered by them as affording good grounds for objection; but he could not understand how they could object to the appointment of persons who were only in holy orders, and who were not performing any specific parochial or ecclesiastical duties. In one part of the correspondence with the Wesleyan delegates, the noble Marquess made use of the expression, that he felt it to be his "duty" to grant an audience to one of the body who had applied to him for one. Now, he (the Bishop of Exeter) could understand how the noble Marquess should, as a matter of courtesy, grant an audience, even although it was to an individual, and not the whole delegates; but he could not see on what ground he should have done it as a matter of right. His doing so at all, in his individual capacity, as one member only of the Committee, appeared to have been highly irregular. He felt it to be his painful duty, also, to call the attention of the House to another part of the communication between the Committee of Council and the Wesleyans. The latter complained that in schools which were to receive aid from the State—that was to say, more especially in the Church of England schools —the learning of the catechism was to be made compulsory; and also that permission would be refused to the children in such schools to attend those churches or chapels which their parents might prefer. It was quite true that in all the Church of England schools the reading of the catechism and a portion of the liturgy formed part of the system of instruction; and, unless the Committee of Council were prepared to turn round completely on the Church, that system must continue. But what was the noble Marquess's reply? He said, that when the school was considered as a national institution, the managers of it would recognise the present state of the law as to the toleration of diversity of religious opinion; and more especially when applications might come from a denomination, having for the basis of its faith the Apostles' Creed, and which approached so nearly to the Church itself as did the Wesleyan body. This was the answer of the noble Marquess to that objection of these Wesleyans—an answer which, he did not hesitate to say, encouraged resistance to the fundamental principles of the Church of England. It had been distinctly understood that the requirements of the Church of England should be observed in the schools in question; but the declaration of the noble Marquess to the Wesleyans, which he had just referred to, was as much as to say to them, "Be quiet, bide your time, and you will get rid of all these restrictions." This seemed to him to involve a breach of faith, and a disregard of stipulations. This was not only done in a corner, and done for the first time, and done in a clandestine manner, but it was done in direct opposition to the principle upon which the Committee of Council professed to proceed, as their forms for conveyance of sites for schools very evidently showed. In these forms it was provided that the schools should be conducted upon the same principles as the schools of the Incorporated National Society, and that they should in like manner be open to the inspectors. Those forms were drawn up by themselves, and were in conformity with the rules which they told the deputation from the Wesleyan body they were willing to dispense with. When they saw the concessions thus made to the Wesleyan body, they naturally asked who that body was? Did they constitute any large proportion of the population? From a statement published in the year 1845, it appeared that in the whole of Great Britain they did not amount to more than 340,000; they did not form two per cent of the whole population; but by managing their cards well they were able to extort concessions from the Government contrary to good faith. To show the energy and perseverance with which that body guarded their interests, he would refer to an extract explanatory of the application of their funds. The Wesleyan body expended 700*l.* to establish the validity of the lay baptism of infants; 315*l.* to oppose the education clauses of the Factory Bill; and to those clauses their opposition was so effectual, that Sir J. Graham was compelled to abandon them. He did not blame them for so exerting their influence, but he referred to these facts to show their activity; to which he might add their expenditure of 250*l.* to oppose the Dissenters' Chapels Bill. It was now unnecessary for him further to trouble their Lordships. He conceived that he had laid sufficient grounds to justify him in proposing the resolution as above.

The MARQUESS of LANSDOWNE said, that the Motion of the right rev. Prelate expressed nothing, and, even if it should be carried, it would leave the matter now before the House precisely in the same position as it was in before the present discussion; and, looking at the terms of the

Motion, he could not but feel that their Lordships and the public must come to this conclusion, that something more was meant than the words used by the right rev. Prelate might under ordinary circumstances be expected to convey. That which had no existence, the Motion, even if carried, could not be supposed to touch; but beyond that the Motion might fairly be considered as covertly intended to assert that money voted by the House of Commons for one object, could, by a decision of their Lordships, be diverted to a totally different purpose. Anything more mischievous than that could not possibly go forth to the public. For the purpose of explaining this it would be necessary to recall to their Lordships' recollection that votes of public money for purposes of education had at various times been agreed to by the House of Commons; but until lately they amounted to no very considerable sum. Her Majesty had, however, not long since, been pleased to consign the duty of administering the sums so voted to a Committee of the Privy Council; and after that the votes of the House of Commons, for the purposes of Education, were increased to a very considerable sum. To other Governments who preceded the present Administration in office the management of those sums had been confided; and those who were now the responsible advisers of the Crown had in the due course of official tenure succeeded to the administration of those funds, a Committee of the Privy Council still remaining the active authority in the matter of public education. It was now his duty — and he was by the speech of the right rev. Prelate compelled to perform that duty—to declare that those grants were made for the purposes of education, and for the purposes of education only, and that they were on no account to be diverted from those purposes; that they were not to be handed over, as he should presently show it was the concealed intention of the right rev. Prelate that they should be handed over, to purposes wholly foreign to those which the House of Commons contemplated — at least, he thought that the speech and the Motion of the right rev. Prelate would enable him to show that. If it were intended that the services of the Church should be made available for the purposes of education, then let that be stated openly and in a straightforward manner. If such grants were required, and were thought expedient, let them be moved for plainly and not covertly. If the country required to have, and that it was expedient forthwith to give the nation, a great system of moral and religious education, let that at once be clearly and unequivocally stated; but a proceeding of that nature would not preclude him from showing that one of the great objects of the votes of money granted by the House of Commons was to create a separate profession of schoolmasters. That fact had been constantly alleged whenever the present question happened to be before their Lordships. Neither he nor those who thought with him were ever very sanguine as to a full realization of the expectations which were entertained on that subject; but they had hoped—and he believed means would be found to fulfil such a hope—that satisfaction could be given on this subject to a great portion of the community; that they might expect to satisfy a very large portion of the religious public—a very large proportion, as well of members of the Church of England as of Dissenters; and if he succeeded in satisfying those large classes, he must put up with the mortification of not satisfying the right rev. Prelate who had brought the present subject under the notice of their Lordships' House. Thus, then, the subject of education had, from time to time, been brought before the House, and the objections to such votes had frequently been laid before Parliament. As for himself he pleaded guilty to the charge that they desired to conciliate the Wesleyan body—that they desired to conciliate the opinions of those whom the right rev. Prelate would perhaps describe as certain hostile powers. However, if they were to be considered hostile, he left their hostility altogether to the right rev. Prelate—he was himself disposed to meet those powers in a spirit of fairness, and he did not deny that he actually wished to conciliate them, although they did not form a majority of the people of England, nor a majority even of the Dissenters. Undoubtedly the principles they laid down, and the opinions they entertained, cut short all controversy, all argument, and made it impossible to arrive at any very successful issue. With other bodies of the people the Committee of Council proceeded to hold the same sort of communication; but they held it in the first instance, and chiefly, with the Wesleyans, who, as the right rev. Prelate had stated, were a very powerful body, embracing a large portion of the people of this country, and of whom it was averred, upon no less authority than that of the most rev. Prelate, not then present, who was at the head of the Church of this country, that they were a body whom he held more in esteem than any others who dissented from the Church. It was quite true that that body urged the Committee for an immediate answer. They stated that they had some scruples, and required some explanation; and here came, singularly enough, the charge of the right rev. Prelate. The moment the Committee were called upon to give the explanation, he (the Marquess of Lansdowne), wonderful to say, being the President of that Committee, took upon himself to have recourse to an insignificant Member of that Committee, the First Lord of the Treasury, whom the right rev. Prelate seemed to think no authority upon the subject—and with the concurrence of the noble Lord, he (the Marquess of Lansdowne) ventured to indulge those persons with an explanation, which they asked to have soon, because the whole of their body was about to meet a few days after, and they were anxious to communicate that explanation to them. Was there ever a more reasonable thing? The right rev. Prelate seemed to think that the Committee should have said, "No; you are Wesleyans, and do not deserve one word of explanation on the subject." The Committee, however, acted on a different principle, and he was not ashamed to admit it. They endeavoured to give them the best explanation they could, and the grounds upon which that explanation proceeded, and subsequently at once they gave the same explanation to other bodies, to Independents and Presbyterians. The object of the Committee was that all those bodies should be separately informed of the intention of the Committee, for they seemed to be alarmed lest their religious scruples should be affected, and their religion interfered with; and above all to apprehend, as he (the Marquess of Lansdowne) thought, unjustly, that there might be some design of diverting the funds intended for education to some other object;—and, strange to say, when it was his duty, as he felt it was, to endeavour to remove their scruples; when he said, "Depend upon it there is no such intention in Parliament—there is no such intention with the Privy Council—it is voted for education, and it is to be applied to education only;" and when he went still further, and said he was confident that any future Committee of Privy Council, formed of other statesmen and other parties, would be incapable of so diverting those funds—all the different sects said unitedly, or rather, separately—for they met the Committee separately—"Will not the Bishop of Exeter contrive to have so and so done?" Whether they looked to the superior ingenuity of the right rev. Prelate, or to any other cause, he did not know; but certainly they all united in saying—"What you tell us may be true, but there is one person who will contrive to do so." He had, at the time, no reason to believe that the right rev. Prelate would endeavour to make that diversion. He must, however, admit, without attributing to any of those religious bodies, whether Wesleyans, Independents, or Presbyterians, the gift of prophecy, that they did prophecy justly when they said that a very short time would not elapse without the right rev. Prelate making some attempt of that kind. But the right rev. Prelate had accidentally confounded two things entirely different; namely, the aid given for the purpose of building schools, and the aid given for the purpose of annexing to them stipends. The right rev. Prelate said, "Whoever heard of this difficulty springing up before? You seem to have used no precautions before with respect to your schools. You never inquired whether the persons appointed as masters were clergymen or not. You built schools, and left it to chance whether the masters were clergymen or not." He (the Marquess of Lansdowne) could tell the right rev. Prelate, that about 4,000 schools had, under the administration of those invaluable grants successively given by Parliament, been founded, created, and fostered; and he believed that of not one in those 4,000 was the schoolmaster a clergyman. It never occurred to the right rev. Prelate before to make deacons of those schoolmasters; but, no sooner was a stipend given, than he said it was convenient to annex those stipends to deacons, although they were given for a totally different purpose, because the avowed object was, not to make clergymen, but masters of schools. He did not say that the right rev. Prelate might not be justified in wishing to maintain schools in connexion with the Church; but whoever heard before of a clergyman being the master of a village school? He had no hesitation in saying, that if, at the instigation of the right rev. Prelate, they came to the practice of making deacons of these persons from the moment they received stipends, a totally different object would be answered from that which was intended when the educational vote was granted; and the result would be, that those persons who gave that vote, upon the assurance that it was given for the benefit of persons of all denominations and religions, would find that they had year after year been providing funds for training deacons for holy orders. And amongst whom would the right rev. Prelate choose those deacons? Amongst the worst? No. He presumed amongst the best. Then what object would be answered? Would not those persons be diverted from their profession of schoolmasters? And was it not within the experience of the right rev. Prelate — he would not pay so bad a compliment to that profession to which the right rev. Prelate was so great an ornament as to except them from the general rule of all human nature—that from the moment a person got into the lowest grade of that profession he would occupy his thoughts with how he could get into a higher one? The right rev. Prelate would not tell him that by making those persons deacons, he would not turn their minds away from that profession in which they had been placed, and defraud the public of the expenditure which was exclusively given and allowed by Parliament for the purpose of making and providing schoolmasters. Without a few figures they could hardly tell what the effect of that expenditure could be. Now, it appeared from a paper which he held in his hand that the cost of apprenticeship for five years of persons ultimately to become schoolmasters was 95*l.* To maintain the same individuals in the normal schools would be 70*l.* more, and a salary of five years would cost 125*l.* more; so that at an expense of 290*l.* they would be providing for deacons and the career of the Church persons who were never intended for that profession, but were educated by the public for village schoolmasters. A greater diversion from the object which was contemplated by the public, could not exist. Although there had been no precaution omitted to secure religious education being given—although every care had been taken, by making the schools subject to the inspection of the clergy, to provide for their religious character, yet it was never intended that the mind of the actual teachers should be given to the abstruse doctrines of theology, which might enable them to rise in the Church, but to the more sober and more humble kind of knowledge, which might enable them to impart practical information to the great mass of the community. That was the object with which the Legislature had given those grants; they had been made for the purpose of raising the schoolmasters in the estimation of the public; of training them to that profession; and when they had been so trained, of keeping them attached for ever to the graver duties of national education. The right rev. Prelate had gone into another topic. He seemed to think that this plan was somewhat inconsistent with the adherence the Committee had given to the rules of the National Society. That adherence had been founded upon the great practical object of connecting schools with the Church under the National Society. Undoubtedly, all the schools that had come under the superintendence of that society had conformed to its rules; but, notwithstanding that circumstance, a large and most respectable body had been in favour of a relaxation of these rules; and if this plan were adverse to them, it was so in consonance with the opinions of a large and most respectable body of persons. With respect to the Motion, it would have no practical effect whatever. It said, "That it is the opinion of this House that persons in holy orders not exercising ecclesiastical functions ought not as such to be ineligible to the office of schoolmaster in schools receiving aid from the Parliamentary grant." They were not ineligible now. They would not be more eligible if the Motion of the right rev. Prelate were agreed to. But it appeared to him that if it were, funds which were granted and intended for one object, would be made subservient to another; and of this he was confident, that if it were put in that distinct shape, and that object were to be avowed, a more effectual course for stopping those grants and preventing future appropriations for the purposes of education, by the assembly which represented not only the Church of England but those whom the right rev. Prelate seemed to regard as the enemies of the Church, could not be taken. The majority of that assembly were convinced that the grant was to be confined to education, and education only; and if they entertained a belief that there was any design to wrest it to any other purpose, however laudable it might be in the opinion of the right rev. Prelate, but distinct from education, it would most effectually check those votes, or, if not, would call forth an expression of opinion the very reverse of that which the right rev. Prelate had thought it wise and discreet to provoke on that occasion. He would state, that as far as his own opinion went, the adoption of the Motion of the right rev. Prelate would have no effect at all. It would leave the clergy eligible precisely as they were before; and the want of any distinct expression being given to the views of the right rev. Prelate would not, in the slightest degree, impede Her Majesty's Ministers in administering the vote as they proposed to administer it.

Lord STANLEY said, the question lay in a very narrow compass, although much extraneous matter had been introduced into it both by the right rev. Prelate and the noble Marquess. The question was this, and only this—was it right and just, at the request of the Dissenters, to lay down such rules as would exclude from schools in connexion with the National Society receiving aid from the Government persons otherwise qualified, because they were in holy orders? That was the question brought before their Lordships by the right rev. Prelate; and he knew not upon what ground the noble Marquess could suppose that the right rev. Prelate had any ulterior object or design beyond that. He had had no communication with the right rev. Prelate out of that House; but, judging from what had taken place in that House, he should say, that if the fact were as stated by the noble Marquess, that the Motion of the right rev. Prelate would, if carried, not alter the existing state of things, or that there was no declared manifestation with regard to schoolmasters being in holy orders, the end of the right rev. Prelate would be answered by such a declaration. On the other hand, he was bound to say, that if he correctly understood the noble Marquess to state that the Dissenters who had applied to the Committee had laid no claim to the exclusion of persons in holy orders from those schools that were made the charge of the National Schools, why then *cadit quæstio.*

The Marquess of LANSDOWNE said, that the Dissenters had made no such claim; they only desired to have some explanation.

Lord STANLEY: Then it appeared the fact stood thus—that the clergy of the Church of England were not ineligible to receive stipends as schoolmasters of the National Society's schools; and although the noble Marquess laid down that rule, yet, in point of fact, in 99 out of 100 cases, or indeed 999 out of 1,000, the persons receiving the stipend would not be clergymen.

The Marquess of LANSDOWNE explained (as was understood) that the Dissenters objected to this.

Lord STANLEY hoped it would not be supposed that he was a bigot in matters of education, or in favour of exclusive education, or that he would deprive the dissenting population of the aid afforded by the State to schools; and if the Dissenters had laid down the claim that their own schools should not be interfered with, or their efficiency impaired, or that united schools should not have clergymen as schoolmasters, he thought they would have a right to say that the masters should not be clergymen, and he would be prepared to admit that such a claim on the part of the Dissenters would be just and fair and reasonable, and that the Government would be right in acceding to it; but the Dissenters had no plea or pretence for laying down, as a condition of their accepting the aid of the Government, that the schools connected with the Church of England should not receive aid exclusive of their own restrictions. The Dissenters had no right to prescribe, as a condition of their accepting aid, that clergymen of the Church of England should not receive aid in connexion with other schools. The noble Marquess objected to the diversion of the stipend of masters to other purposes, and he objected to the application of the stipends to what he said was not for the purposes of education, but for increasing the Church of England. He did not think this a fair representation of the right rev. Prelate's proposition. It was not sought to grant the stipends to the clergymen *quia* clergymen; but it was sought not to lay down a rule, that because an individual happened to belong to the clerical order he should be debarred from receiving any portion of the sum voted for tuition and education by the country; and that, as respected Church of England schools, ministers of the Church of England should be disqualified from conducting education. He could understand that there would be some objection to the prospect that, by receiving stipends as clergymen, a greater number of young men would be led into the Church, out of which a selection could be made of a larger number to perform the services of the Church. That might be possible; but was it a reasonable objection to a plan, that, in carrying out the purposes of the State, it increased the efficiency of the Church? He did not think it an objection which the Dissenters had a right to make, or the Government to entertain. He believed that no step could be taken which would more improve the condition of the English schools than if they were placed within the acceptance of the inferior orders of the clergy, who would carry with them, by their position, greater respectability in the eyes of those whose education they had to superintend. Another objection taken by the noble Marquess was, that the schoolmaster should not be allured into other professions; but not only would the admission to holy orders not tend to divert these persons from the profession of schoolmasters, but a great impetus would be given to the profession of schoolmaster; for, after admission to holy orders, they could not enter upon other pursuits, and this fact would tend to bind them more firmly for the rest of their lives to their profession of schoolmasters. With respect to this very plan, the noble Marquess proposed that the scholars should receive Government rewards.

The MARQUESS of LANSDOWNE: But not to continue schoolmasters at the same time.

LORD STANLEY did not suppose that the noble Prelate proposed, after the parties took orders and had duty, that they should continue schoolmasters; and as to the objection of the cost of preparing them as schoolmasters and then losing their services, what security was there under the present plan that, after their training as schoolmasters, they would not enter into other occupations? whereas, after they became clergymen, they would be debarred from entering upon other professions. For these reasons he did not think, though the noble Marquess had dwelt with much sarcasm upon this point, in opposing the Motion of the right rev. Prelate, that he had substantiated the justice of the exclusion; but as the noble Marquess declared that no pledge had been given to render the appointment of clergymen impossible, the object of the right rev. Prelate had been answered by the discussion, and in the state of their Lordships' House he did not think it would be wise to press the Motion to a division.

The BISHOP of NORWICH rejoiced to hear from the right rev. Prelate that it was his intention to ordain deacons, and he was ready to follow his example, for they must open the doors of their Church much wider to procure a sufficient number of clergymen. He was ready and willing to ordain young persons even from those schools if they should be competent; but he wished to act straightforwardly, and not to receive for this purpose money out of the public funds which ought to come out of their own private sources. He was sure that the right rev. Prelate's proposal would not be carried in the other House, but that it would create disgust throughout the country, especially amongst the Dissenters; and he agreed with the noble Marquess that this was not the moment when they ought to oppose or exasperate other bodies not connected with the Church. He was for conciliation in the best sense of the term; and he objected to striking a side blow which would not satisfy the country, nor, he believed, the better parts of the Church. He was willing to ordain deacons, but he was unwilling that they should remain schoolmasters; for he thought it would excite considerable suspicion against the schools if they remained schoolmasters, and that Dissenters and others unconnected with the Church would be driven away from the schools. Indeed, he was strongly opposed to any system like that proposed by the right rev. Prelate, which would pay out of the public funds for the education of those who were in point of fact educated for the Church.

The EARL of CHICHESTER thought that the right rev. Prelate's resolution, coupled with his speech, would produce the most disastrous effects. In the present state of the Church, he was opposed to the proposal of the right rev. Prelate, because he thought it incompatible with the good government of the schools and the general welfare of the people. He considered the plan of Her Majesty's Government to have been devised with great wisdom, and also with great justice to all parties; and he believed that to be the opinion, not only of a great body of the Dissenters, for whom the right rev. Prelate supposed this concession to be made, but to the great body of the members of the Church themselves.

After some observations by the BISHOP of SALISBURY, which were wholly inaudible,

The BISHOP of EXETER said, he would not press his Motion.

Motion withdrawn.

House adjourned.

HOUSE OF COMMONS,

Friday, June 11, 1847.

MINUTES.] PUBLIC BILLS.—2° Port Natal Collection of Duties.

Reported.—Highways; Baths and Washhouses.

3° and passed:—Destitute Persons (Ireland) (No. 2).

PETITIONS PRESENTED. By Mr. Dennistoun, from Glasgow, against the Use of Grain in Breweries and Distilleries.—By Mr. Wodehouse, from Owners and Occupiers of Land, in the County of Norfolk, for Repeal of the Duty on Malt.—By Mr. Brisco, from Hastings, for Inquiry respecting the Wine and Spirit Trade.—By Mr. B. Smith, from Trustees of the Borough of Hastings' Charities, for the Better Regulation of Charitable Trusts. —By Mr. Dennistoun, from several places, for consideration of the Currency.—By Mr. John H. Vivian, from Swansea, in favour of the proposed Plan of Education.—By Mr. Bellew and other hon. Members, from several places, for Alteration of the proposed Plan of Education. —By Mr. Dennistoun, from the Lord Provost, Magistrates, and Council of the City of Glasgow, for Alteration of the Law of Entails (Scotland).—By Mr. J. Douglas and other hon. Members, from several places, in favour, and for Alteration, of the Health of Towns Bill.—By Mr. Dennistoun, from Glasgow, and Mr. J. Morrison, from the Provost, Magistrates, and Town Council of the Royal Burgh of Forres, in favour of the Heritable Securities for Debt (Scotland); Transference of Land (Scotland); Burgage Tenure (Scotland); Service of Heirs (Scotland); and Crown Charters (Scotland) Bills.—By Mr. B. Denison, from Dewsbury, against the Highways Bill.—By Mr. Prime and other hon. Members, from several places, in favour, and for Alteration, of the Medical Registration and Medical Law Amendment Bill. —By Sir W. Clay, from Churchwardens, Overseers, and Vestrymen of the Parish of St. Anne, Limehouse, against the Repeal of the Navigation Laws.—By Mr. T. Duncombe, from Owen Owens, of Cydtir, in the Parish of Bangor (Wales), for Redress.—By Mr. Dugdale, from the Foleshill Union, for Repeal or Alteration of the Poor Removal Act.—By Mr. M. J. O'Connell, from Guardians of the Tralee Union, in favour of the Railways (Ireland) Bill; and from Tralee and Killarney, in favour of the Railways (Ireland) (No. 2) Bill.—By Mr. Dennistoun, from Members of the Landlords' and Merchants' Association, of Glasgow, for Alteration of the Small Debts (Scotland) Act.—By Mr. Bramston, from Farmers and Graziers of Essex and Oxfordshire, against the Removal of Smithfield Market.

MEXICO AND THE UNITED STATES.

DR. BOWRING wished to put a question to the noble Secretary for Foreign Affairs, respecting the disastrous state of affairs between the United States and Mexico. It had been stated that the friendly interposition of Great Britain had been offered: did that disposition continue, and was there any hope that the horrid scenes of bloodshed, attended with a vast destruction of property, might be brought to a termination?

VISCOUNT PALMERSTON replied, that Her Majesty's late Government had made a sort of unofficial tender of good offices, which had been repeated by Her Majesty's present Government in a more formal and official manner. Neither party had signified any desire to accept the proposal; and of course, under such circumstances, however much the present state of things might be lamented, the House would see that no further step could with propriety be taken.

COMMITTEES ON PRIVATE BILLS.

MR. HUME moved the following Resolution:—

"That it is expedient that the constitution and practice of all Committees on Private Bills, in future Sessions of Parliament, should be assimilated as nearly as may be to those of Committees on Railway Bills; and that it be an instruction to the Committee for revision of Standing Orders to make provision accordingly."

Debate, on the Motion of SIR R. H. INGLIS, adjourned to Thursday following.

RAILWAY BRIDGES.

SIR G. CLERK begged leave to refer to a statement that had been made respecting the insecurity of railway bridges of a wide span, and the inattention of the department of which the Earl of Dalhousie was the head, to the representations of Mr. Locke and other engineers on the subject. The statement had been occasioned by the late unfortunate accident with the bridge over the river Dee. He had made inquiries into the subject, and found that, on the 30th April last year, a letter was addressed to the Earl of Dalhousie by Mr. Locke and some other eminent engineers, respecting the dimensions of bridges crossing turnpike roads, that there should be 35 feet clear space for the road, head room of 16 feet, and side walls of 12 feet, &c., which dimensions had been fixed after full consideration in the Railway Clauses Consolidation Bill. The letter had no reference to railway bridges over rivers, which sometimes were of extraordinary dimensions. Another statement had been, that no answer had been returned to the letter of Mr. Locke and the other engineers. The fact was, that the letter of the 30th April arrived on the 2nd May, and was answered on the 23rd May, that Lord Dalhousie would consult the Earl of Shaftesbury on the propriety of reducing the width of bridges. The House would see, therefore, that nothing that had passed between the engineers and the Railway Department of the Board of Trade at all affected the question of the safety of bridges over rivers.

MR. GISBORNE said, that he had merely referred to the evidence taken before the coroner's jury. There was some mistake; but Mr. Locke was not a person to complain that he had had no answer when one had been sent to him.

PORTUGAL.

MR. HUME: In submitting the Motion of which I have given notice, I can assure the House that I have seldom risen in my place to do what I consider a duty so unpleasant to myself. Because my object is to complain of Ministers, and to complain of their measures, on the ground that they are dangerous to constitutional government, and likely, if I can read them rightly, to lead to most disastrous consequences, not only to this country, but to the civilized world. It is necessary, I must premise, to maintain the principles on which the British Government is founded; and we are to recollect that we owe the liberties we possess to the struggle between the people and the Sovereign. We were enabled, after a long struggle, to settle among ourselves under what form of government we would live; and the Sovereign of this day owes her throne to the Revolution of that day—of the year 1688. If any monarch of Europe of that time had taken the course recently pursued by the British with regard to Portugal, where would our liberties have been? I object, then, to the interference which has taken place by our Government with the affairs of Portugal; and in doing so, I challenge, as I must challenge, the whole of their proceedings, at least the whole of the latter portion of them. The vast volume of papers we have here, consists, for the greater part at least, of hearsay news, rumours from newspapers, tittle-tattle from the different officers, reports from detachments one day, contradicted by other reports the next day. In short, instead of taking ten or twelve days, not to say more, to prepare it, I venture to say that any hon. Member, with ordinary industry, might have collated the whole contents, and sent it ready to the press in four-and-twenty hours. Some, perhaps, may have been frightened by the bulk of the volume from giving due consideration to the matters it contains. The really important contents might have been compressed into very few sheets indeed; and I cannot understand why or wherefore we should be loaded in this way, having our attention taxed, and our time taken up, by looking over the details of petty and trifling matters of transitory interest only in Portugal, and not at all connected with the principle which it is important that this House should keep in view, serving no end, in fact, but to cause a great loss of time. No doubt there might have been an object in this. Some desire has probably been entertained to know what the events of our interference and its success have been. This morning we have received the account of the results; and I hesitate not to say, that I think them melancholy for England. If ever a stain was cast on the honour and character of a British Government, the news of this day will cast one. I was asked by an hon. Member, on coming into the House, whether the news arrived this day would not alter my determination to bring forward the resolution; but instead of altering my determination to ask the opinion of this House on this great principle, it appears to me that the urgency of the necessity of proceeding becomes ten times stronger. The proposition I intend to submit is very simple and plain; it consists but of three lines—

> "That in the judgment of this House, the armed interference of this Government between political parties in Portugal is unwarrantable in principle, and likely to lead to serious and mischievous consequences."

As the Motion was first worded, I had set down "unwarrantable in all cases, and at all times;" but it was suggested to me that that was a very wide assumption—as if no circumstances could ever occur which might justify an interference—and therefore I have confined the Motion simply to the proceedings taken in the present conjuncture of Portuguese affairs. I hope there may be no mistake as to its meaning, and that no difficulty will be found by hon. Members in making up their minds whether such interference be or be not unwarrantable, and likely to lead to mischief. I object not only to the principle on which our interference has been based, but to the manner in which Her Majesty's Government has set about interfering. I consider that it was the duty of Ministers, before they began a measure involving consequences of such immense importance—seeing that Parliament was sitting—to have come down to this House and asked for its opinion, as to whether such measures could with propriety be adopted. When I say they are to blame, am I without a precedent? Why, even in my own time, and in a Parliament wherein I sat, I can find a precedent. Hon. Members will recollect what took place in 1826, on a very memorable occasion. It happened to be my fortune, even then, to dissent from the principle that intervention at that crisis was just. But the facts were these. Mr. Canning, on the 11th December of that year, brought down to this House a Message from the Crown, which stated—

> "His Majesty has received an earnest applica-

tion from the Princess Regent of Portugal, claiming, in virtue of the ancient obligations of alliance and amity subsisting between His Majesty and the Crown of Portugal, His Majesty's aid against an hostile aggression from Spain."

And again—

> "His Majesty makes this communication to the House of Commons, with the full and entire confidence that His faithful Commons will afford to His Majesty their cordial concurrence and support in maintaining the faith of treaties, and in securing against foreign hostility the safety and independence of the kingdom of Portugal—the oldest ally of Great Britain."

A fact was there before us to deal with, as stated by Mr. Canning. There was an actual invasion of Portugal; we had treaties existing as old as 1661, when Charles II. married the Infanta of Portugal, by which we were bound to assist Portugal with troops when required; and we had the Treaty of 1703, by which Holland, England, and Portugal, became bound to assist each other, and protect Portugal against France and Spain—France and Spain having then a common interest and object to obtain possession of Portugal. It is quite true that that treaty did bind us, if the *casus fœderis*, as stated, had actually occurred; but on that occasion, although the House of Commons sanctioned the interference of our Government almost unanimously—for I think that on putting the question, there were not four individuals who cried no—we knew that the threatened irruption from Spain consisted only of refugees out of Portugal, and we knew that Spain rather allowed than commanded the intervention. Did any delay take place on that occasion? No: the Cabinet of that day—not a Liberal Whig Cabinet, but one that we used to suppose was too much attached to the Holy Alliance, from which Mr. Canning had the merit of detaching them—showed a due respect to the House of Commons, and a fit sense of the importance of having its sanction to their proceedings. On Friday, the 8th of December, the news arrived, and then Government obtained the actual information of invasion having taken place, as they considered it. On Saturday, a Cabinet Council was held, and a resolution adopted to give assistance, and, further, on Monday to send a message on the subject to the House of Commons. So that the news was received by Ministers on one day; a resolution to afford the help solicited was taken the next day; and on the first day that Parliament met thereafter a message announced that resolution to the Legislature. On Tuesday the debate took place; and Mr. Canning on that occasion declared, that if we were called upon to interfere in the internal affairs of Portugal, or any other country, without any treaty existing, or any valid claim upon us, he should be the first man in the House to refuse. Mr. Canning explained the manner in which he considered that our treaty bound us to afford assistance. I must say that what passed on that occasion reflected nothing but credit on the Administration, inasmuch as, if they were in error, the whole House of Commons, nay, both Houses of Parliament, concurred with them. The other House, on a Motion submitted by Earl Bathurst, the Secretary for Foreign Affairs, adopted unanimously a similar resolution to that adopted by the House of Commons. I yielded my opinion at once, and thought I must be in the wrong, when Lord Holland—almost the only Peer who spoke on that occasion—declared that he considered our intervention was called for by the faith of treaties. Thus took place what was considered to be a necessary intervention, and it proved to be essentially useful to Portugal. We did it without setting any bad precedent, being called thereto in order to maintain the faith of treaties, and the honour and character of England; and I should be the last man in this House to urge the violation of good faith. For although temporary advantage might be obtained, depend upon it that in the long run the only safe course is to act honestly and in good faith. For us it is of immense importance that we should not, on such a subject, set a bad example. I think that on the present occasion we are setting a bad example. I am anxious, however, that the House should just hear one sentiment of Mr. Canning, before I proceed with the case. In the most distinct terms he repudiated any pretensions on the part of the British Government to interfere with the internal political arrangements of Portugal. Mr. Canning said—

> "I have already stated—and I now repeat—that it never has been the wish or the pretension of the British Government to interfere in the internal concerns of the Portuguese nation. Questions of that kind the Portuguese nation must settle among themselves."

Speaking of the grant of the free constitution, which was brought over from Portugal by Lord Stuart de Rothesay, and occasioned considerable excitement in this country, he said—

> "Great Britain did not suggest this measure. It is not her duty, nor her practice, to offer sug-

gestions for the internal regulations of foreign States."

And afterwards he speaks of it as

—"sanctioned in its outset by the glad and grateful acclamations of those who are destined to live under it."

Now, if under the circumstances of the case, the intervention of Mr. Canning was a just and proper proceeding, what must be said of the intervention by the Government of the present day, after that sentiment of Mr. Canning's? We have no treaty, and no *casus fœderis.* Spain has not invaded Portugal. France has not invaded Portugal. A civil war has existed in that country for a number of months past; and, being unable to settle it, an appeal has been made to us. Those who are the aggressors have called on us for aid; and I wish, therefore, that the House should see how the civil war originated. It is impossible, however, for me to look at the manner in which this business has been carried on without complaining very much of the conduct of our negotiations with Portugal. But lest I should be supposed to throw more blame on the noble Lord at the head of the Foreign Department than he deserves as a Member of the Cabinet, I must say that on looking over the whole of this volume, until I come to the 5th April, there is not one of Lord Palmerston's despatches in which I am not prepared to concur. I find that he repudiates in the strongest manner all interference, and every attempt and request for it that was made. Therefore, it appears to me that, as a Cabinet question, some overwhelming power and influence has been brought to bear on Her Majesty's Government. Evil advisers have influenced the Cabinet; a sudden change has taken place; and I therefore think on that account it is a matter of increased importance that we should arrive at the truth. I take up the question from the 6th October, 1846, when the change of Government took place, and when the despatches now laid before us begin; but I think it right to explain what that unfortunate country has been subjected to. I find that the national charter, which I am about to quote, has been violated in the grossest manner by the Queen of Portugal; and in every instance where the lives, liberties, and interests of the people are concerned, she has set the provisions of the charter at nought, and consequently has raised the nation as a nation against her. It is not, therefore, for those who enjoy the benefits of a free government to come in at the last moment, when she was about to yield, and uphold her wrong doing. It appears from the despatches that if the English Government had not interfered, the Government of Portugal would have yielded to every fair and reasonable demand. Nothing irregular was ever asked of Her Majesty; her throne was never threatened, her person or liberty never endangered, and the only demand was that she should dismiss those evil councillors who had advised Her to supersede the liberties of Her country, and should secure the Portuguese the advantage of that constitution to which they were entitled. In 1826, upon the death of John VI., the Portuguese constitution was established, and it is for the violation of the charter embodying that constitution that the people of Portugal are in arms; and if they had not taken means for resisting the arbitrary measures of the Government, I think they would have deserved to be despised and hooted by all the civilized world. I will from the papers furnished by the noble Lord (Lord Palmerston) state what did take place, and then I will ask the House whether such proceedings deserve to be sanctioned by this country. Lord Howard de Walden, on the 8th of October, when enclosing a note which he had received from the Marquess de Saldanha, notifying that the Queen of Portugal had been pleased to name him Minister of War and President of the Council, with the portfolio of Foreign Affairs *ad interim*, said—

"This change of Government had taken most people by surprise. It was known that a short time ago the Duke de Palmella was willing to transfer the Government to the hands of the Marquess de Saldanha; but it was also certain that the latter then felt that he had no force of his own, and that he should be made a mere instrument to serve the ends of the Cabralista party, by whom he would ultimately be sacrificed when it might suit their purpose. Under these circumstances, for want of a chief, the Cabralista party were unable to carry out their designs for a counter-revolution, for which they had been so long working among the troops. It appears, however, that the programme which I herewith enclose of the Septembrist party created such alarm that in the emergency the Marquess de Saldanha at last consented, though very unwillingly, to undertake the formation of a new Government. Accordingly, on Tuesday night the Duke de Palmella was summoned to the palace, was asked whether he had power to make a stand against the Septembrist party, and on an unsatisfactory reply was informed that under these circumstances he must transfer the government to other hands. Count de Bomfim, military governor of Lisbon, had also been summoned. The Duke, as well as the Count Bomfim, were then required to sign decrees already prepared, naming the new Government and displacing all the military authorities in the interest of their party; and the former officers who had been displaced being already in waiting, they proceeded at once by night to take possession of their commands. The next morning the Duke de Terceira appeared at the head of the troops in the Commercial-square, which had been previously gained over in the night. There was on the first summons hesitation on the part of some corps, but on receiving more formal orders in the name of the Queen, they acknowledged their new commanders without any display of feeling. The town is perfectly quiet, though great sullenness is observed among the people."

Lord Howard de Walden says further—

"It is much to be regretted that this change of Government has been effected in a manner to create universally the impression of a military revolution. In my opinion it was quite unnecessary to have gone such lengths, as the country would willingly have accepted the Marquess de Saldanha in the first instance at least, as Minister, until the Cortes should decide upon a Government; but it would appear that the result of the elections being questionable, it was thought, after the appearance of the programme of the Septembristas, that the Crown was in such danger that there would be less risk by a counter-revolution than by allowing the elections to take place uncontrolled, as had been proposed by the late Government."

And what did Lord Howard de Walden say further?—

"It is expected that the name of Marshal Saldanha, together with the Queen's proclamation, will keep the country in general quiet; and indeed the measures taken of suspending personal guarantees, and suppressing all newspapers, except that of the Government, will very much check for the moment the means for immediate agitation in the provinces; but still, considering the small military force at the disposal of the Government, and the facility with which the soldiery can be gained over to either party, I contemplate the future with great anxiety. The elements for revolution of a character dangerous to the Queen have now certainly been created; though the efforts of the party vanquished may not, in immediate result, be effective in Lisbon, they will not fail to work successfully towards serious mischief in the provinces."

Lord Howard de Walden went on to say that he

—"enclosed a list of the principal persons, warm partisans of the Cabrals, reinstated by the Marquess de Saldanha."

I ask the House, then, is it prepared to sanction the conduct of a Minister upholding a Government, the first act of which was a violation of the charter? I have gone over the charter which is appended to the volume of papers, and I will state a few of the violations which the Ministers of the Crown of Portugal had carried into effect. Throughout the whole or greater part of these papers, however, I must first remark, those anxious to encourage the Crown and depress the popular party have made on all occasions allegations that the Miguelites were the persons to be dreaded, in spite of the noble Lord the Foreign Secretary having stated again and again that Don Miguel was in England, living in retirement, and not likely to leave England. But the effect of these acts of violence, of the unconstitutional measures of the Portuguese Government, was to unite the Miguelites and Liberals, as the only means of protecting the interests of the nation at large; and instead of rendering the difficulties of that unfortunate country fewer or less, had increased to a great degree the obstacles to the Government of the Queen of Portugal, unless she submitted to the constitution. I find by the 5th chapter of the charter that those not having an annual income of 100 milreas, from commerce or otherwise, shall not be electors. One of the first measures taken was, in defiance of this provision of the charter, to strike out in some of the parishes of Lisbon and other places the electors actually qualified, and put in their place others who were not, with the view of carrying the elections, several having been carried on a former occasion by similar means. That was one of the violations of the charter forcibly effected by Costa Cabral, who seems to be a firebrand capable of setting any country, under such circumstances, into a flame. Another provision is to the effect that "the Ministers of State shall be responsible for bribery, subornation, extortion, or other abuses of power." It turns out that there is not a practical act of subornation or other abuse of power which has not been perpetrated by those Ministers, so that the people have been deprived of protection and guarantees which the constitution gives them. There have been arrests, imprisonments, dismissals, and transportations, without the semblance of law, or interference of courts, on the very word and simple will of the Minister. I have seen to-day a person who was among those arrested: he was one of 700 political prisoners heaped together in a prison adapted to contain only 500, and escaped on the 29th April, on the disturbances at Lisbon, when the gaols were opened, and the political prisoners set free. He and others escaped; but eighty or ninety of them were butchered in the streets, though returning quietly to their houses without arms. Article 118 stated, that—

"The judicial power is independent, and shall be composed of judges and juries, which shall be instituted as well for civil as for criminal cases, &c."

In violation of this article, many of the judges had been removed from their places. In fact, such a long catalogue of crimes had been committed, that I will not occupy the time of the House by doing more than merely alluding to them. Juries have been suspended, and the liberty of the press, although granted by this constitution, have been put down. No newspapers are allowed to be printed except under the sanction of the Government. I am surprised that the noble Lord should have inserted in the volume of papers a number of extracts from the *Diario*, the organ of the Government, and such trash too as they are—as if Members of Parliament had not common sense enough not to know the little value attached to extracts from a partisan newspaper. No form of justice has been observed, and the right of *habeas corpus* has been entirely done away with. Again, the charter said, that every citizen should have in his house an inviolable asylum, which shall not be entered without his consent. The domiciliary visits by day and night have been innumerable; the prisons have been filled thereby, and there has been no guarantee for personal safety. In the Limoeiro prison, 780 individuals, many of them respectable persons, have been locked up with felons of the worst description. So much for the Government we had taken under our protection. There are a number of other small items, to which I might call the attention of the House. I call them small, but they are of immense importance to the liberty of the subject. The administration of the Post Office has been interfered with; the letters of the people have been opened; no correspondence has been held sacred; in fact, it is scarcely possible to name a single guarantee of protection, or a single privilege of any value to a freeman, which has not been swept away. And yet we have prevented the people, driven to desperation, from doing what we ourselves had done on a former occasion—we have stepped in to prevent the formation of a constitutional Government in Portugal. That is not all; the Queen has declared herself dictator, and put an end to every court and tribunal in the country. On the 7th of April that suspension was declared; her Consort has also been appointed, contrary to law, commander-in-chief of the army, for by the Charter of 1838, he is forbidden to fill that office. Our own Ministers report that those proceedings have from day to day filled the minds of men in every corner of Portugal with alarm and terror. I will not weary the House with any further details on this point. There is scarcely any department of the Government which has been conducted as it ought to have been. There have been bribery and corruption—the levying of taxes without the consent of the law; they have sent bonds to this country similar to the bonds which were considered good claims against the Government, to be sold here, to the injury of the creditors of Portugal; they have been driven to the most desperate courses to raise money. According to the latest despatches the army is greatly in want of money; and there is no opportunity or chance of retrenchment. Every act, in fact, has been unconstitutional; and yet this country is called upon to support them. I remember the time when Lord Grey's Administration, of which the noble Lord was a Member, succeeded to power under a pledge to be the advocates of reform, retrenchment and economy carried to the utmost possible point, and above all, non-interference in the affairs of foreign nations. [Lord JOHN RUSSELL: Peace!] If we wished to be at peace, we must maintain the principle of non-interference, for that interference is one of the means by which we are most likely to be drawn in. Lord Grey in a speech made in the other House immediately before his accession to power (November 2, 1830), declared—

"The revolution in France has been rendered necessary by what I must call an unjustifiable attack on the liberties of the people. As an Englishman, owing the benefits which I at present enjoy to a similar measure, similarly provoked, I rejoice in the resistance of the people of France to the attack upon their liberties; and I rejoice in the character of their whole conduct, from the first moment when resistance became necessary to the expulsion of the reigning family. In such a cause resistance was necessary—was noble; and I cannot conceive a more heart-stirring scene than that of a people entering upon so holy a contest with courage worthy of the cause, and using victory, when achieved, with such unparalleled moderation."

Lord Grey made use of that expression when the French had expelled Charles X., for acts not one-twentieth part so bad as those committed by the Queen of Portugal. Surely, if ever infatuation possessed any man, Louis Philippe is that man—he who owes his crown to this very cause—he who, but for the Duke of Wellington, would not have been allowed to keep it, because the Holy Alliance was then ready and anxious to interfere. The Duke of Wellington was the man who acknowledged the power of the people, and who would not allow that interference; and I believe that no other man at that time—no other man living at that moment but the Duke of Wellington—could have stopped the intervention when that revolution took place in France. Is it not therefore remarkable that a man so shrewd, keen, and careful of his own interests as Louis Philippe should be a party to join in any measure of this kind? For I understand the only excuse is, that France was going to do something, and Spain was going to do something. Let us see what they were going to do; I have not yet found it out; but we shall hear what it is they were going to do. But is it possible that any man of common sense or consideration—is it possible to believe that a man, owing his throne to the circumstances described by Earl Grey in the words I have just quoted, could be a party to the oppression of the people of Portugal? And yet what are France and England doing now? The people of Portugal are ten times more oppressed than were the people of France. I am bound to believe, too, from all I have heard, that the leaders of the revolution in Portugal are men of the highest character. I have seen them called, in one of the newspapers, "a class of Chartists;" though where they got the name I do not know. Generally speaking, they are men of high character, possessing the confidence of the people among whom they live. I think it cruel, in the highest degree cruel—setting the policy of the question aside—that the flag of England should be used to crush those people. Lord Grey approved of the ready recognition of the new Government of France by that of the Duke of Wellington in 1830; but have we taken any step to recognise the proceedings of the popular party in Portugal. Lord Grey hoped that our recognition of the Government of France would lead to such a mutual good understanding between the two countries, as would enable them to use their joint influence practically to settle the disputes prevailing in other countries, and added, that he hoped we should not again have to repeat what he could not but consider as approaching to an interference in the internal affairs of Portugal. This was Earl Grey's language when out of office: that which he held when in office may be learned from the speech delivered by him on the 22nd of November, 1830, in one passage of which he says—

> "My Lords, I now repeat in office what I before stated as my opinion out of office, that the first object, interest, and duty of the British Government, ought to be to maintain peace by all means consistent with the honour of the country. Our true policy is, to maintain universal peace, and therefore non-interference is the principle—the great principle—which ought to be and will be heartily adopted by the present Administration."

These were the principles on which the Government of Lord Grey was formed, and which every Administration ought to keep in view. It may be thought by the noble Lord and his Colleagues who have counselled this interference with the affairs of Portugal, that because they have taken Das Antas with 2,000 or 3,000 men, this will promote peace. Why, it is only the beginning of troubles. Is the House of Commons prepared to maintain a fleet and army to suppress insurrection in Portugal? That is a question which every man must put to himself when he considers this matter, and on this account also I deprecate in the strongest manner the proceedings that have taken place. But is that my only authority? I will beg leave to refer to an opinion expressed by the Duke of Wellington in 1833 upon the very subject of Portugal; and the House will perceive that the opinions of the public men of former days were concurrent upon the question now raised, and were diametrically opposed to the policy pursued by Her Majesty's Administration. The Duke of Wellington himself, in 1833, on the 3rd of June, moved an Address to the Crown, praying—

> "That His Majesty would be pleased to give such directions as were necessary to enforce the observance by his subjects of His Majesty's declared neutrality in the contest now going on in Portugal."

And the noble Duke, in order more strongly to impress upon the House what he meant, quoted the opinion of Lord Stowell, which was expressed in these words:—

> "Strict neutrality is a neutrality consisting of a complete abstinence not only from interfering in warfare, but from giving any kind of assistance to one side or the other."

And, further, Lord Stowell said—

> "The practice of giving succour to either side by individual acts, is unjust to one of the parties, by depriving him, while in a state of amity with us, of the preponderance of power which he would otherwise enjoy."

I beg the House particularly to remark the opinion of Lord Stowell, adopted by the Duke of Wellington, but now rejected by Her Majesty's Ministers. Lord Stowell added—

> "No country could be released from the operation of her neutrality unless she gave notice that she would change her line of conduct. While nations remained in this situation they could not in practice act contrary to it; and if they interfered, they must do so by giving an open notice, or by a declaration of war."

Sir, I ask, have we done that? Have we given open notice, or made a declaration of war? The reference to a notice contained in the opinion quoted by the Duke of Wellington reminds me that something like a notice of our intention to act in favour of one of the parties was indeed given to the Junta; but, although dated Lisbon, May 20, it was not delivered to the body to whom it was addressed until eight hours after their fleet and troops had been captured by Her Britannic Majesty's forces on the 31st of May. Have the British Government and Navy fallen so low that they condescend to entrap the unwary? Are they afraid to declare what their intentions are until the party to whom they are opposed have fallen into the trap prepared for them? Of all the proceedings which have come under my notice, this appears to be the most revolting. Let Ministers explain, if they can, how it happened that Sir G. H. Seymour's notice, though dated the 20th of May, was not delivered to the Junta until eight hours after its fleet was captured. Surely Sir G. H. Seymour might have found some person to be the bearer of his notice. Where was Colonel Wylde, who had been so ready to report everything which was unfavourable to the constitutional party? Could not he have carried the notice to the Junta? It would be absurd to suppose that the Junta would have allowed their ships and troops to go forth if they had been aware that the British forces would capture them. It is true that the newspapers contained rumours that the British Government meant to interfere against the constitutional party; but the Junta, entertaining no suspicion that Great Britain would be guilty of so gross an act of injustice, fell into the trap which was laid for them. That act is a stain upon the British name—a stain which the youngest man amongst us will never live to see effaced. The papers before the House do not contain the Order of the Day under which the British forces acted upon that unfortunate occasion; but it must be produced. There is a short letter from the Admiral, but not the Order of the Day under which the proceeding took place. Upon the occasion of the Duke of Wellington's Motion, in 1833, Earl Grey said—

> "We sent Admiral Parker to the Tagus with the strictest orders to enforce neutrality between the belligerent Powers; and, in consequence of those instructions, that officer manifested a strong desire, strictly, fairly, and conscientiously to observe that neutrality."

Why should the British Government act a less honourable part now than in 1833? If we had landed 5,000 men in Portugal, and excluded the Spaniards from all interference, the Portuguese might have submitted with some degree of patience to the disgrace of being coerced by a strong Power like England; but it will be difficult to describe the feelings of hatred and disgust with which the entire Portuguese nation contemplate the invasion of their territory by Spanish troops. A strong feeling of animosity constantly exists between the Portuguese and Spanish nations, which in bitterness far exceeds the old border feuds between England and Scotland. The idea which now possesses the Portuguese of every class is, that they are degraded in consequence of Spaniards being allowed to overrun their country. But for Spain to do this! Spain, which at the present moment is unable to attend to its own interests—which is actually unable to carry on its Government—to think of such a Power threatening the Portuguese people would be ludicrous, if it were not for the reflection that the British Government has sanctioned the proceeding. I am inclined to believe that Louis Philippe is at the bottom of it. I beg now to call the attention of the House to one of Mr. Southern's despatches to Lord Palmerston, marked 101 in the papers, which is important, as affording the House and the public the means of judging whether the constitutional party in Portugal had just grounds for appealing to arms. Mr. Southern's despatches are written in a spirit of fairness, and on every occasion manifests a desire to devise the means of remedying the evils which afflict the unhappy country in which he was officially employed. In the letter from Mr. Southern to Lord Palmerston, dated December 29, he says, after describing the state of the parties—

> "The elements of this dangerous species of resistance no doubt exist, but it is very dubious whether open insurrection can long be maintained before the victorious march of an army so numerous for Portugal, as that which Marshal Saldanha will be able to lead to the north. The great fear is that these forces, destitute of legitimate supplies, will, as is too much the custom of Portuguese soldiery, and especially of troops in the state of this army, be driven to live upon the country, and by their devastation and violence produce a fatal irritation among the people. The resources

and means of supply from the capital, which were too limited even to keep the troops of Marshal Saldanha in a moderate supply of food only a few leagues from the capital, will diminish at every step he recedes from the centre of Government, and enters upon a country much more decidedly hostile even than the neighbourhood of Santarem. This very general and rooted hostility against the Queen's Government, as far as the inhabitants of the provinces are concerned, is based no doubt in part on a kind of passive attachment to old institutions; but it has been chiefly caused by excessive or unequal or misunderstood taxation, by the increase of the burdens on property and products, the oppression, corruption, and injustice practised in every town and village by the few individuals in the place, in whose hands all authority was placed by the late Government of the Queen, on the condition of complete submission in the choice of representatives in the Cortes."

Now it behoves us, when we are called upon to give an opinion as to how far the measures of Government are proper and fitting to the occasion, to take into consideration the position of the parties in the country. I do not know this gentleman, Mr. Southern; but his letters are marked with a considerable degree of talent, and give a very good idea of the state of the country. Mr. Southern proceeds to say—

"While taxation has been greatly increased, while it has been imposed in unaccustomed forms and with irritating circumstances, nothing has been done to favour the development of the resources of the country. Heavy rates have been levied for the making of roads, and there is not a tolerable road in the whole country. Produce perishes on the spot, or whole districts lie uncultivated and abandoned for want of an outlet, even in those parts of the country where roads might be made without difficulty. While the means of seeking a market for produce are so few, and so embarrassed by local taxation, exterior commerce has been almost suffocated, not only by a system of high duties for the protection of a few manufactures, and the production of a scanty revenue, but by the high port dues in Portugal; and, what is worse, by an inquisitorial system carried on against masters of merchantmen and their crews, under pretext of preventing smuggling, which induces all persons who can do so to avoid contact with a Portuguese custom-house. These considerations will in part explain the existence of an extreme spirit of hostility against the Queen's Government. Other causes, however, have prevailed, such as the idea that the taxes, which are levied with so much difficulty, when they arrive at Lisbon, are not employed in the legitimate objects of government."

In the letter 102, dated December 30, 1846, Mr. Southern said—

"I have the honour to enclose a copy of a decree which has been promulgated in the official journal of this morning, by which trial by jury is abolished in Portugal. The decree is supported in the unofficial part of the *Diario* by a declamatory article in favour of the system of legislation which formerly prevailed here, and in vituperation of the legislation and jurisprudence introduced into this country under the charter, as more in harmony with liberal institutions. The abolition of trial by jury undoubtedly places British subjects in Portugal on a different footing from that contemplated by Articles 17 and 18 of the Treaty of 1842, and in consideration of which the British Government was induced conditionally to give up the exercise of the rights connected with the Conservatorial Court. By this measure, and the assumption of dictatorial authority by the Queen, under the decree of the 27th of October last, the subjects of Her Most Faithful Majesty are put entirely at the mercy of the Executive Government."

It appears that our Government did not interfere to protect the rights of British subjects when they were invaded by the despotic authority of the Queen of Portugal, though they subsequently had shown such a readiness to interfere on behalf of that despotic authority. Mr. Southern stated truly, that by the assumption of dictatorial authority on the part of the Queen, the people of that country were "put entirely at the mercy of the Executive Government." And this tyrant was our dear ally and brother! "sister," I should have said; but brother or sister, the connexion was not one to be proud of. Another individual holding a distinguished position at Madrid, Mr. Bulwer, wrote a letter, dated October 27, 1846, which expresses sound opinions relative to foreign interference in the internal affairs of Portugal. The letter was addressed to M. Isturiz, who, after doing all the mischief he could in his own country, had come over here to watch the results at a distance. Mr. Bulwer's letter to M. Isturiz was as follows:—

"Madrid, October 27, 1846.

"Sir—I have to thank you for the prompt and frank explanation you have given me as to the movement of Spanish troops to the frontier of Portugal. I confess to you that I heard with much regret both of the request made by the Portuguese Government to that of her Catholic Majesty, and of your Excellency's compliance with this request, because such examples of interference, however limited, by one State in the internal affairs of another, tend generally in the long run rather to favour disorder and confusion than to promote tranquillity in the countries thus requesting or granting foreign assistance; besides affecting the independence of separate monarchies, and altering thereby the relations of Europe as now established. At the same time, it would be unjust in me not to admit that the explanation which you have given of Her Catholic Majesty's Government's intentions, and the restrictions which you impose upon its action, modify, in my opinion, though they do not destroy, the evil consequences to which I have alluded; and I shall lose no time in forwarding the correspondence which has taken place between us to Her Majesty's Government."

Mr. Bulwer forwarded copies of his correspondence with M. Isturiz to Lord Palmerston; and his Lordship referred to them in the following letter addressed to Mr. Bulwer, and dated London, November 11, 1846:—

> "I have received your despatch of the 30th October, inclosing copies of a correspondence which has passed between you and M. Isturiz, with reference to the assurance which he had given you that the Spanish troops ordered to the Portuguese frontier should not, under any pretext whatsoever, enter Portugal; and I have to acquaint you that Her Majesty's Government approve of the letters which you have addressed to M. Isturiz on this subject."

In that letter Lord Palmerston expresses his approbation of all that Mr. Bulwer had written against foreign intervention in the affairs of Portugal. There is another despatch from Mr. Southern to Lord Palmerston, dated December 19, as follows:—

> "I have the honour to transmit to your Lordship a translation of authentic papers, which contain a minute account of the circumstances attending the taking of the fort of Valença by the Portuguese detachment which marched through the Spanish territory from Vigo. These instances of interference on the part of the Spanish authorities cause a very general irritation among the Portuguese people. The communications I receive to this effect from different parts of Portugal are very numerous, and prove to me, in the most decisive manner, that this kind of aid produces in the end considerably more evil than good to the Queen's cause."

I beg the House to mark that this is the opinion of a public officer left on the spot. Mr. Southern goes on to say—

> "It is rapidly giving a national colour to the present contest, and may be said to have been one of the proximate causes of the resuscitation of Miguelitism in those parts of the country, as it also undoubtedly tends to draw nearer the insurgents in the Minho and Tras-os-Montes to the adherents of the permanent but dormant cause of Carlism on the north-east frontiers of the two countries."

If the state of feeling described in Mr. Southern's letter was the result of trifling interference by the Spaniards, what must be the feelings of the Portuguese people towards us, now that we had captured their ships, and upwards of 2,000 of their troops? Looking through the documents in the book before us, I say no hon. Member can contend that the course taken by the Ministers has not added to the perplexities of the case, and increased the difficulty of bringing the affairs of Portugal to a satisfactory settlement. But I must except from that censure the noble Lord the Member for Tiverton, up to a certain time; for the noble Lord, in a despatch dated November 26, being in answer to one received from Mr. Southern, said—

> "Your despatch of the 19th instant has been received at this office; and Her Majesty's Government have seen with much regret, from the contents of that despatch, that there was not, at the time when you wrote it, any prospect of an early termination of the civil war which has broken out in Portugal. I have, however, to instruct you to take every opportunity of impressing upon the Portuguese Government the urgent expediency of endeavouring to bring that war to a speedy termination, by some amicable arrangement with the leaders of the discontented party. It appears from the information which Her Majesty's Government have received, that the greater part of Portugal is in a state of insurrection against the Government;"—

(I beg the House to observe that expression, "the greater part of Portugal is in a state of insurrection against the Government." The despatch proceeds)—

> —"and that a considerable portion even of the regular army has taken part with the discontented; that the strong position of Santarem is in their hands; and that Marshal Saldanha with the Queen's force is not strong enough to recapture that important place. It behoves, therefore, the Portuguese Government well to consider, first, what are the questions really at issue between the Government and the great body of the nation; and, secondly, what prospect there is that the Government can put down the insurrection by force of arms, and succeed in preventing it from bursting out again."

Now, Sir, I ask the noble Lord to-night what security there is now against the insurrection breaking out again? The reasons assigned in this despatch appear to be fully as applicable now. The noble Lord's despatch goes on—

> "It seems to Her Majesty's Government to be very doubtful whether the Portuguese Government is strong enough to put this insurrection down. The military force now at their command appears to be insufficient for that purpose; and as no reinforcements can be drawn from the revolted districts, any sources of fresh supply must be extremely scanty; while, on the other hand, any defection among the troops at present faithful to the Queen, would at once decide the contest in favour of the other side; but a prolonged contest would be ruinous to the country, and an early defeat would be most dangerous to the authority of the Queen. The practical question, then, is, whether the Queen can, consistently with the dignity and security of the Crown, consent to any arrangement which would be satisfactory to the nation, and would put an end to the civil war."

That is a wise and just principle. The despatch goes on—

> "Her Majesty's Government are not sufficiently informed of the particular points in dispute to be able to give an opinion, or even to offer specific suggestions, on the matter; but you are instructed earnestly to press upon the Government, and, if you should have an opportunity of so doing, upon

the Court, that the Queen could of course feel no objection to give to the nation the most distinct and binding pledges, that it is Her Majesty's intention to govern according to constitutional forms, and in a constitutional spirit; and the best assurance and proof which Her Majesty could give of such an intention would be the appointment of an Administration consisting of men who, while on the one hand they should deserve to be trusted by the Crown, should on the other hand possess the confidence of the nation. Unless some such arrangement as this can be made, and unless it is accompanied by a general amnesty for all political offences connected with the late outbreak, it is much to be feared that matters may take a turn which all well-wishers to the Royal Family of Portugal would most deeply deplore. You will make the contents of this despatch known to Colonel Wylde, who will consider it as equally addressed to himself; and you will also communicate it to Sir William Parker. The British Government must abstain from taking any other part in this civil war than that of a friendly mediator, desirous, by the employment of good offices, to heal the differences now unhappily prevailing between the Crown and a part of the nation in Portugal; and any endeavours which either you or Colonel Wylde, or Sir William Parker, may be able to make for the accomplishment of that purpose, will receive the approbation of Her Majesty's Government."

Now, I ask what change can have come over the minds of Her Majesty's Government since the date of that despatch? I fear I trespass too much upon the patience of the House; but I request their indulgence while I read one more extract on this subject from a despatch of the noble Lord to Mr. Bulwer, dated January 4:—

"I have to instruct you to state to the Spanish Government, that it is now pretty well ascertained that the Miguelite movement in Portugal has no support from any respectable or leading persons connected with the Miguelite party in Portugal; and that many persons suspect that it has been secretly encouraged by those who thought it might afford a pretext for foreign interference, in the civil dissensions now existing in Portugal; and, consequently, the Miguelite movement cannot be considered by Her Majesty's Government as forming any justification whatever for an interference by Spain in the internal affairs of Portugal."

The noble Lord had good information on this point, which was subsequently confirmed; and I believe the noble Lord was perfectly correct in the view he took. Indeed, that he was so, is shown by a despatch from Mr. Southern to Lord Palmerston, dated the 10th of January, in which he says—

"I have the honour to inform your Lordship that Marshal Saldanha is still at Coimbra, and where he proposes to remain several days longer, in order to re-establish the authorities of the Government, and otherwise organize the country, that his resources may not be intercepted in his rear on his proceeding further north. It will probably be the seventeenth of this month before the Marshal arrives in front of Oporto."

And further on he says—

"Lisbon is perfectly tranquil, with the exception of the natural sensation caused among the lower classes by the continual pressing for soldiers, which still goes on; and among the higher class by the numerous imprisonments lately made amongst the representatives of the principal Miguelite families in Lisbon. It appears that some suspicion has been attached to them in consequence of letters intercepted from persons at Braga, and addressed to them. I understand they are not charged with any act, but are to be immured as a matter of precaution, which is the favourite system here for maintaining order and preserving the peace. Already every prison in Lisbon is full to overflowing with persons supposed to be attached to the party of the insurgents, and who have generally been arrested merely as known political conversationists in that sense, or on information and denouncements. The families of the nobility considered as Miguelite in Lisbon, have taken no part in any political questions in this country since the deposition of Dom Miguel, and have been remarkable for the extreme quietness and respectability of their deportment. It is possible that the Government may be now under some apprehensions of their favouring the idea of a union between the Miguelite and Septembrist parties against the Queen; but I do not believe they have any grounds for suspecting them of having taken any part in promoting so discreditable an alliance. The persons of this class already in prison are—Dom Joao Vieira Tovar de Albuquerque, brother of Count Mollelos; Viscount Balsemao; Dom Christovao Manoel de Vilhena, nephew of the Duke of Saldanha: Antonio Lucio Tavaros Maggesi, son of General Maggesi;"—

and so on through a long list of names of the principal nobility. Probably I may have failed in properly setting forth what I intended—the causes of complaint on the part of the people, and against our interference; and I will therefore mention one or two particulars. By the constitution from which the Queen of Portugal derives her rights, it is laid down in Article 15, sections 8 and 9, that to the Cortes, the national Parliament one, belongs the power of granting or refusing permission of entrance into the kingdom of foreign land and sea forces. The British Government, therefore, by countenancing any such introduction, supports a violation of that charter, and gives to the Portuguese people great and just ground for complaint. What will these men think of the Liberals of England? There is one act of violence which I omitted to state, but which ought to be specially remembered. On the 3rd of November last the old decree of August, 1833, was called into force. It is as follows:—

"Taking into consideration that in the present circumstances it is highly necessary to consult public security, and deliver as soon as possible the Portuguese nation from the horrors of civil war with which a wicked faction pretend to annihilate it, I have been pleased to order, in the name of the Queen, as follows:—

> "Art. 1st. The ecclesiastics or laity apprehended with arms in their hands, and likewise the military officers commanding irregular forces of any denomination, or who might have joined them, shall be immediately shot. With that end the commanding officer of the troops who capture them will form a court-martial, composed of three members, which having heard verbally the criminals, will give final sentence, the execution of which will only depend on the same commanding officer, if said officer deems it convenient."

The moment that decree was known to the British officers, remonstrances were made against it, and the noble Lord sent a despatch generally condemning this course. There is another circumstance which marks the character and spirit of the faction which promulgated this decree. When Bomfim was defeated at Torres Vedras, and taken prisoner, together with thirty or forty officers, they were considered to have laid down their arms with the honours of war, and they were allowed to wear their swords. But when they expected to be placed on parole they were shipped off to the coast of Africa, to the penal settlement of Angola, a most unhealthy spot. The noble Lord remonstrated, and called the attention of the Portuguese authorities to the injustice of the proceeding; but they did not care a fig for the noble Lord, and they went on their own way. Those officers were crammed on board a sailing vessel, so small and close that they could not have arrived at the place of their destination without disease being produced among them. The captain of that vessel, however, showed more humanity than his employers, for when he found who his passengers were, he said that when he had consented to take so many on board he was under the impression that they were criminals, probably accustomed to such a mode of transhipment, and he had no idea that they consisted of noblemen and gentlemen of rank, convicted of no offence unless a political one. There was the certificate of a captain and surgeon as to the effect of the confinement of the prisoners on board of this vessel. But, nevertheless the prisoners were sent off, and are now, if they are still alive, suffering at Angola. I really fear I am wearying the House; but I have still to request their attention to some further passages from these documents, and I will now read from a despatch addressed by the noble Lord to Sir Hamilton Seymour, being No. 212 in the papers, and dated the 5th of April:—

> "Her Majesty's Government have taken into their deliberate consideration the application which the Government of Portugal has made to the Powers who were parties to the Treaty of Quadruple Alliance in 1834, for assistance under the stipulations of that treaty; and I have to instruct you to state to the Portuguese Minister for Foreign Affairs, that after the most attentive examination of the grounds upon which that applicaation has been founded, Her Majesty's Government cannot persude themselves that either the letter or the spirit of the Quadruple Treaty can justly be deemed applicable to the state of things now existing in Portugal. The Treaty of 1834 was concluded for two purposes. The first purpose was to put an end to a war in regard to the succession of the Crown of Portugal, which had then been waged for some time between the Emperor Don Pedro, who contended for the rights of Her present Majesty Maria II., and the Infante Don Miguel, who had usurped the throne. The second purpose of that treaty was of a similar kind, namely to expel from the Peninsula the Infante Don Carlos, who disputed with Her present Majesty Isabella II. the succession to the Crown of Spain. Both Don Miguel and Don Carlos were at the time within the territory of Portugal, and at the head of troops armed and organized for the purpose of supporting by force the pretensions of those two princes. Questions of disputed successions have always been deemed matters which might justly be considered as involving the political interests of foreign States; and in such questions, wherever arising, the Powers of Europe have from time to time, according as their interests impelled them, held themselves at liberty to take an active part. Spain and Portugal had in 1834 a common interest in regard to those matters; and Great Britain and France thought it also conformable with their political views to unite with Spain and Portugal for the expulsion of the two Infantes from the Peninsula. But when both the Infantes were finally so expelled, the letter of the stipulations of the treaty and of its additional articles was, as regards armed interference, in the affair of the Peninsula, entirely and completely fulfilled. If, however, either Don Miguel should re-appear in Portugal, or Don Carlos in Spain, with a view to put forward again, and support by force of arms their respective pretensions, the spirit of the Quadruple Treaty would certainly be applicable to such a case; and it would be fitting that the Four Powers who were parties to that Treaty should, in such an event, enter into concert with a view to frame new articles applicable to what might be the then existing state of things. But Don Miguel is not in Portugal, nor has there been any insurrection worthy of account in his name, and in support of his pretensions to the Crown. The civil war which has now unhappily for nearly six months afflicted Portugal has not sprung from the pretensions of Don Miguel, nor did it originate with his partisans; it arose from very different causes, and among a very different political party. The contest does not turn upon the question who shall be the Sovereign of Portugal, but upon the question who shall be the responsible Ministers of the Crown in Portugal, and by what principles of administration the country shall be governed."

I defy any Member of this House to state the case more fairly and clearly than the noble Lord has done in this despatch. The noble Lord goes on to say—

> "These questions are widely different from questions of dynasty and succession. These questions are purely domestic in their bearing, and with them Foreign Powers, except in very extreme cases, cannot be entitled to interfere. And although it is certainly laid down by writers on the law of nations, that when civil law is regularly established in a country, and when the nation is divided into conflicting armies and opposing camps, the two parties in such war may be dealt with by other Powers as if they were two separate communities, and that such other Powers may take part with one side or the other, according to their sympathies and interests, just as they might in a war between separate and independent nations; yet the cases in which such interference would be justifiable are rare; and it is better and safer in general to leave each nation to decide for itself upon questions which relate to its own internal organization and interests. If, therefore, on the one hand, Her Majesty's Government do not think themselves justly called upon, in virtue of the stipulations of the Quadruple Treaty, to interfere in the civil war now going on in Portugal, neither on the other hand do they deem it consistent with the general principles which have invariably guided the policy of Great Britain in regard to such matters to afford unconditionally to the Queen of Portugal direct assistance for the purpose of coercing that part of the Portuguese nation which is now in armed resistance to Her Majesty's authority."

Sir, the whole of that despatch, dated 5th April, contains principles which I greatly approve; and I deeply regret to see any change in a departure from them. A grosser violation of the sound principles propounded in that document could not by possibility be perpetrated, than that which is comprised in the act of taking such a number of men into captivity without any declaration of war, and without the slightest intimation, on the part of the British Government, that such a proceeding was in contemplation. It is a proceeding in respect of which I apprehend that there cannot be the least difference of opinion in this House. But the outrage on the non-intervention principle was not confined to this act gross as it is. The principle was again most flagrantly violated, when, not content with making the forces of the Junta captive, and imprisoning them at Fort St. Julian, we even went the length of assuming the command over that fort. Sir William Parker declares that the fort must be delivered over to the British, who have already landed their marine force and taken possession of the fort and of the prisoners as well. That is the second violation of the non-interference principle of which we have been guilty. I understand—and I am willing to give the Government the benefit of the admission—that the prisoners are treated with every consideration, and that no complaints of maltreatment have been made by any of them. It is possible that Sir William Parker may justify his occupation of the fort, and his assumption of its command, on the ground that he wished, by taking the sole supervision into his own hands, to prevent undue severity. That may have been the motive of the gallant Admiral; but his act is not on that account the less a violation of the non-interference principle to which the noble Lord at the head of the Foreign Department professes to be so much attached. I feel that I am scarcely justified in trespassing at such length on the attention of the House. I do think that I have made out a case of gross and inexcusable violation of the principle of non-intervention. I have shown that in our own country we have ever claimed the right, and exercised it unrestrictedly, of managing our own affairs; and I have ventured to advocate for the people of another land the same liberty that we prize so dearly in our own. I have spoken strongly on this question, because I feel deeply, and because I see no prospect for the preservation of the world's peace if such principles as have on the present occasion actuated our policy are to be adhered to. If Russia, Prussia, and Austria were to send an army next month into Paris to restore the old *regime* there, and to reinstate the ancient dynasty, we could say nothing against it. We would be powerless to resist, for our own conduct on former occasions in interfering in the affairs of other nations would be cited, and very fairly so, as a precedent against us; and so our remonstrances would be wasted. I confess I am at a loss to think where all this is to end. If you want interference, why did not you interfere to prevent Mexico from being overrun by the Americans? Cowards, they say, are ever bold in attacking the weak and defenceless. We would not dare to attempt such interference in the case of Prussia, Russia, or Austria; but we do not hesitate to undertake it in the case of a weak State like Portugal, and all because, forsooth, she happens to be our oldest ally. That appears to be the great reason for our interference—our exclusive justification; and, indeed, I will say that a more amusing motive for persecution I never heard of. I, for one, most emphatically protest against it. Having been one of those who approved of the policy of the Duke of Wellington when the revolution took place in France, and having also approved of the policy which this country pursued with reference to the revolution in Belgium, I conceive that I should not be acting consistently with those principles to which I have invariably declared my devoted attachment, if I were to be a silent witness of such transactions as have recently obtained in Portugal the sanction of the British flag. The course which we adopted in the cases of the French and Belgian revolutions had my approval, because I felt that we were acting consistently with that principle in virtue of which we hold the tenure of liberty in this country ourselves—the principle that every people should be allowed to be the best judges of their own affairs. If that principle is to hold good in our own case, and in the cases of France and Belgium, why should we deny it to that of Portugal? Shall it be said that we, who ourselves enjoy the benefit of the principle, shall deny it to other nations? If we take upon us to interfere in the internal affairs of other nations, what is to protect us from similar aggressions on the part of others? If we will insist on interfering in the internal affairs of Portugal, why should not Portugal, in her turn, interfere with us, and lay hands on Ireland in the event of any civil commotion arising in these countries? Believe me, the principle we have established is fraught with danger. I know no limits that can be assigned to its disastrous consequences. It is because I am myself the friend of peace that I attach so much importance to those proceedings. I trust the House of Commons will not hesitate to express its disapproval of them. If it do not, farewell to the rights and liberties of this country. I have no hope for England if we be so dastardly as not to declare fearlessly the opinions which we hold honestly. It is with these feelings that I move this resolution. I make this Motion with regret; for I am sorry that the occasion for it should have arisen, and sorry to cast censure on those with whom I am in the habit of acting; but I should not be true to my duty if I were to act otherwise than I am acting. If you can, as English freemen, conscientiously approve of the proceedings of the Portuguese Government—if you think that the Sovereign of this country may discharge Parliament at will—alter the mode of the elections—crush the liberty of the press—make Judges subservient to the caprice of a Minister—and do other arbitrary acts of a similar tendency—I want not your votes; but I do expect a fair and unbiassed expression of opinion on the part of those who value the blessings of freedom, and would do unto others as they would wish to be done by.

Lord H. VANE admitted the consistency with which the hon. Member for Montrose had maintained the principle of non-interference, and stated that he agreed with the general principle; but there were cases of exception to it, to be justified by special circumstances. He believed that the maintenance of the constitution of Portugal would be secured by the very conduct pursued. An examination of the despatches now before the House informed them that the diplomatic agents had all expressed themselves in the quarters to which they were accredited as opposed to interference. Mr. Southern, in the early part of the negotiations, had laid down a very just principle on that point. Mr. Bulwer, at Madrid, in a conversation with the Count Thomar, stated that the British Government did object to interference; and on being requested to interfere, refused to do so. It was signified to our Minister that, under the circumstances, France and Spain were likely to unite. France, he admitted, did not wish to act in opposition to England; but in the position of Spain it was in the highest degree probable that the Government of that country would adopt the principle of intervention. She had already advanced her troops to the frontiers; and though an antipathy, in many respects, existed between Portugal and Spain, yet, as nothing occurred in the one country without having its effect in the other, there was every reason why Spain should watch with distrust the events then in progress in Portugal. The hon. Gentleman assured the House that there was no cause for fear, inasmuch as there was no Miguelite party abroad; but Mr. Southern, in his despatches, clearly entertained a different apprehension: he alluded to the circumstance of the general belief, and he remarked that that must have a very considerable effect in Spain. The noble Lord (Lord Palmerston), it was true, had declared that the Quadruple Treaty of 1834 was at an end, because it had accomplished the objects for which it had been entered into: but, still doubts were entertained on the other side of the Channel. M. Guizot, in one of his despatches, raised the question as to whether or not that treaty was still in existence, when alluding to the fact that some Miguelite generals were in the insurgent ranks, and that they were probably looking to the anarchy which would ensue to take steps to attain their own ends. It was to prevent the effect of such a state of things in Spain that the Spanish Government felt the necessity would hereafter arise, without reference to the Quadruple Treaty, of deciding upon a very different intervention from that which was now taking place. That actual intervention might be open to some of the objections made to it by the hon. Member; but the Junta had now surrendered, though he did not know in what way, and he had only the newspapers to rely upon; and he could not but deem it fortunate that this was the result of our interference, and that the Junta should in this way have submitted in the presence of that allied Power, with whom it would have been impossible for them to contend with anything like equality. What, in fact, had been the real character of that intervention? The hon. Gentleman had detailed undoubtedly some very arbitrary acts on the part of the Queen of Portugal. That she had been guilty of very arbitrary conduct, proving the badness of her government and the weakness of her administration, he did not deny; and he was not at all surprised that, having pursued such a policy, public indignation had been excited, and that a popular party had arisen. The British Government, however, were not her apologists; they had acted in the first instance only as mediators, and when entering upon that course there was ground for the confident anticpation that such mediation of itself would have been successful. The British Government, in his opinion, were fully justified in what they had done. They had taken up a perfectly impartial position; and the terms they offered were such as would in no respect have favoured the Queen to the injury of the popular cause. The first article of the Treaty offered was a full and general amnesty for all political offences committed since the beginning of October last; and an immediate recall of all persons who, since that time, had been sent out of Portugal for political reasons. He agreed with the hon. Member that the breach of faith on the part of the royal forces, in sending prisoners of war to the coast of Africa, had not afforded much reason for reliance on the promises of Her Majesty in future; but, so far as concerned the English mediation, this article was fair and impartial. The second article was an immediate revocation of all the decrees which had been issued since the beginning of October last, and which infringed upon or conflicted with the established law and constitution of the kingdom. If, therefore, this mediation had been successful, there would have been full justice done to the Junta; and all those acts of which the hon. Member complained would have been effectually revoked. Every possible security had been taken that the Queen should not have the power, if she had the inclination, to resume that form of government which had previously existed. The people, had the terms offered by the English agent been acted upon, would have had the means of sending their own representatives to the Cortes, and so securing the required reformations and a Government acting in accordance with the real necessities of the nation. And, in judging of the propriety of the course pursued by the noble Lord, they must remember that if the Miguelites, subsequent to the success of the insurgents, had become possessed of power, there would inevitably have been a Spanish interference. And what would have been the consequence of such an interference, if not limited by the obligations of the protocol signed by the Four Powers? A Spanish army would have marched to accomplish a particular purpose, and would have taken the means to ensure the predominance of an exclusively Spanish policy; while now we had the means of regulating the operations of that army, and possessed a guarantee against any such thing as a conquest of the country. Supposing that from a fastidious over-squeamishness England had held aloof as a spectator, and that Spain had of necessity interfered, the certain result would have been that in the end we should, however desirous, have been unable to rescue Portugal from that species of foreign invasion from which, at former periods of her history, we had preserved her. He trusted, with his hon. Friend, whatever had been the precise nature of the termination to the events in Portugal, that when they were in the possession of further and more ample accounts, they would be found to differ in some degree from the representations in the newspapers, from which alone, so far, they had been enabled to gather any information. He trusted it would be found that those Spanish troops which seemed to have entered Portugal, would, by this time, have withdrawn beyond the frontier. The hon.

Gentleman declared, that in doing what had been supposed to be our duty, we had committed a violation of the Portuguese constitution. It was sometimes necessary to violate a constitution, in order that they might preserve it; and there had existed that necessity in this instance. It could never be contemplated in any constitution that an intervention would at any time be required; an intervention, however, would sometimes be called for; and, though a semi-species of war, the justification must be looked for in the attendant circumstances. He contended that the circumstances in this case had not only justified but demanded our intervention. The hon. Gentleman might maintain the opinion that there was no danger of destruction to Portugal, and little cause for concluding that there would have been a Spanish invasion or a French interference, independent of the assistance of England; but he could not coincide in that opinion. He thought there had existed all those dangers, and he was confident that had we not interfered when we did, the necessity would afterwards have arisen of interfering in a much more emphatic manner. Instead of keeping up a force of 300 marines on the coast, we might have had to land an army; and such a proceeding would hardly have squared with the views of the hon. Gentleman, who of course would have objected to the expense. All the facts were not yet before the House; and events might yet occur supporting his argument, and affording a still more decisive justification of the Government. There had been a choice of evils, and the Government had adopted the least dangerous alternative. England first appeared as a mediator; the success of the effort did not answer the expectations which had been formed; and then, contrary to all the hopes of the British agents, and contrary to all the wishes of the noble Lord, intervention became absolutely necessary. He considered, therefore, that a case had been made out absolving the Government from the charge or suspicion of wanton interference; and the despatches before the House declared to the world that the principle of non-intervention was that on which they desired always to proceed. The less this country interfered the better; but considering our vast commercial relations, which extended to every country in the world, and with our ships in every harbour, it was impossible to say that we ought never, in any circumstances, to interfere with foreign matters, or that we should on all occasions remain passive spectators of passing events. It was perfectly impossible for a great country like this, mixed and bound up as her interests were with those of so many various nations, and bound as she was by solemn treaties of ancient obligations, not to find herself closely connected with those countries in their general relations; and though he held that they could not in those circumstances always steer clear of foreign interference, still he held the great principle of non-intervention should be maintained. With these views he felt himself constrained to oppose the resolution which had been proposed by the hon. Gentleman.

[No Member rising to address the House, there were loud calls for Lord Palmerston, and "Question!" and the gallery was cleared; but immediately afterwards]

Mr. M. MILNES rose and said, although he did not entirely concur in all that had been said by the noble Lord who had just sat down, yet he considered his speech to be an effective reply to that of the hon. Member who opened the debate. He nevertheless might be permitted to add a few words to the speech of the noble Lord. He contended that it would not be wise for this country to lay down any general rules by which it should be restrained from interfering with foreign countries in cases of emergency. If they had entirely, absolutely, and universally reprobated the principle of interference with the affairs of foreign countries, we should at the present moment have no Portuguese constitution about which to be talking; we should have no Queen of Portugal whose rights could be the subject of defence. If the principle of the hon. Member for Montrose was really just, that under no circumstances should this country interfere with foreign countries, he would ask the hon. Member where now would have been the constitutional liberty, such as it was, of Portugal; where would have been the constitution of Spain; where would have been the constitution of Greece, with all those efforts which had been made by that people to establish themselves under a free, constitutional system, and in which efforts they had succeeded chiefly by the interference of this country? If they were to admit that this country had absolutely no right whatever to interfere, we should have no subject for the present discussion. In all probability the two kingdoms of the Peninsula would now have been under the sway of an absolute monarchy; and, instead of having to find fault with Coletti or Mavrocordato, we should have to regret the continuance of Greece under the semi-barbarous sway of the Ottoman Court. But he contended that the interference of England in Portugal, so far from being unacceptable to the people of England, had been the reverse. He believed that that interference had been in strict conformity with the principles of constitutional liberty. He believed that we owed it as a debt to the human race to extend as far as we could those principles of self-government which we ourselves enjoyed. He did not believe that any intervention on the part of England with the affairs of foreign countries would be found fault with by the people of England, if the object of that intervention was the establishment of constitutional principles in those countries. Starting, therefore, from these premises, he did believe that the interference of the noble Viscount (Viscount Palmerston) on the present occasion had tended in a great degree either to establish or to confirm constitutional liberty in Portugal. If he believed, on the other hand, that the intention of the noble Lord was to establish or confirm despotic authority in that country in the least degree, or that such would be the result of his interference, there was no Member in that House prepared to offer a stronger, firmer, or more undeviating opposition to the noble Lord than himself. It was because he believed that this intervention of England in Portuguese affairs would tend to the extension of constitutional liberty, whatever appearances the hon. Member for Montrose might attempt to put upon that intervention, and because he really believed that what we had done was the best that, under the difficult circumstances of the case, could have been done, he was prepared to support the Government on this occasion. The history of this matter did not commence with the blue book before them. Large as it was, it formed but a part of the historical events of Portugal. The man must know very little of human nature and history who was not aware that the blessings of self-government could not be enjoyed by a people without great schooling. When hon. Gentlemen complained of the effects of constitutional liberty in that country, and said how different it was from what might be expected under a pacific system of absolute government, he (Mr. Milnes) was not shaken in his conviction that whatever appearance of difficulties there might be, these were only necessary steps to be taken, necessary difficulties to be gone through, and necessary responsibilities to be encountered, and that it was only by that means that that people, or any other people, could attain to that state of self-government which this and a neighbouring country now enjoy. Therefore he thought it was utterly unbecoming to say that the difficulties which had arisen on the subject of the Portuguese Government did in any way imply the unfitness of that people for constitutional liberty. Nevertheless that those difficulties had been very great, that the Constitutional Throne had great difficulties to contend with, no person could deny. Indeed they could have no right to suppose, in a country where the constitutional principle was so new, and where the Sovereign was so inexperienced, that they could accomplish at once all the objects in view, or that the wheels of the constitutional government could go round with that regularity which they witnessed in this country. There had been in Portugal a very powerful aristocratic party, who had attempted, as had been the case in other countries, to obtain aristocratic advantages, and in a certain degree to limit the power of the Crown. On the other hand there had been a democratic party who had struggled to abolish hereditary peerage, and in some degree to assimilate the Government of Portugal to that of France. Now, he thought that in this case we had no right to judge very severely the attempts of the contending parties. There had been manifested unwillingness on the part of the Portuguese Sovereign to submit to those restraints which constitutional principles justly imposed upon her. No doubt it was the desire of this country, and of all those who wished well to Portugal, that the Crown of Portugal should really understand that it was to its real interest to keep its powers within constitutional limits, and that it ought in justice to submit to the wishes of the majority of the people of Portugal. It was no doubt their desire that the Crown should understand that it would be for its real interest not to do any act which might lead to or encourage any of those factions which had distracted Portugal. But if we supposed that in a country like Portugal, the Sovereign of which was very inexperienced, those constitutional privileges which we enjoyed should be at once obtained, we should prove ourselves to be very little experienced either in men or in history. He admitted that the infractions of constitutional liberty in Portugal had not been all on one side. The Constitution of Portugal, as granted on the 29th of April, 1826, had since undergone a very considerable change. A very great democratic change was made in it, by which the influence of the Crown had been for some time, so to say, completely defeated. Another reaction took place, in which the Crown gained the ascendancy. Those reactions were accompanied by circumstances on the one side and on the other which in this country we should regard with very great horror and disgust. The case which they had now to consider was the Administration of the Duke of Palmella, in October, 1846, when he was superseded by what might be called the ultra-Tory party of Portugal, when the Marquess of Saldanha was called in the place of the Duke of Palmella to the administration of affairs. That change was brought about under circumstances of apparent violence and venality, such as this country must have observed with great regret; but he thought the House would perceive that there was something connected with that change which might fairly create a suspicion on the part of the Crown. The Opposition part of the Chambers at that time met, and drew up a programme of principles which they agreed among themselves should be maintained by the deputies in the Cortes; that was to say, it was understood that all persons returned on the liberal side should conform themselves to that programme. Now, he would merely observe, that that programme anticipated very great changes in the constitution. He would say nothing further upon it, for that was a subject we had no right to interfere with. Considerable changes were to be effected in the original charter of the constitution by that programme. For instance, one change proposed was, that the deputies should meet to confer as often as it might be deemed expedient. Again, the ratification of treaties was to receive the previous sanction of the Cortes; and no public office was to be filled by any party that had not by examination been found to be properly qualified for the office. Now, he believed that that programme was a most unconstitutional act; it was an act that it would be impossible to perpetuate in this country or in France, or any other where constitutional principles were firmly established. That act brought about a violent reaction on the part of the Crown. What was the consequence, when the Marquess of Saldanha was proclaimed Minister of the Crown? The Marquess of Saldanha was appointed Minister on the 6th of October; and on the 11th of that month a Council was held, by which the Conde das Antas was elected President. So that he hoped the House would understand that there had been illegality on one side as well as on the other; all he wanted to prove was, that the illegality and the violation of the charter were not all on one side, but that the Septembrist party had just as much inclination to break the charter, and depart from constitutional government, as was exhibited on the part of the Crown. They were not to consider this from the beginning as the infraction of the constitutional principle on the one side, and the resistance of the popular principle on the other; but it partook of that confusion of political principles in which both parties were considerably in the wrong. It would be most tedious to the House who had [*holding up the blue book*] this interesting volume in their hands, to make any general comment upon it. He would merely direct their attention to what he thought bore most on the subject of debate, namely, the conduct of the English Government and the English officials in this matter; and he was glad to hear the hon. Member for Montrose bear that testimony in which they must concur—with respect to the admirable spirit which pervaded the despatches of Mr. Southern. The contest began on the part of the Junta, he must say, with great dignity and moderation. It appeared from a letter of Mr. Southern, that he had ascertained that no hostile demonstration was made by them against her Most Faithful Majesty's throne, but that the persons engaged had introduced the Queen's name in all their acts, and declared her Majesty to be in a state of compulsion. But behind this moderate party of the Junta, there grew up a party of a very different kind: some of them were violent and some of them were desperate men, who, perhaps, caring little for the political part of the matter, threw themselves energetically into the contest, and had all through acted with much coercion on the Junta themselves. It was impossible to see that the actions of the Junta had not been free in this matter; but that if they could carry out what they desired, they would have acceded much earlier than they had done to the terms proposed. He would not detain the House with any details, but refer to a correspondence between Mr. Southern and Lord Palmerston, from which it was quite clear that the Court of Portugal at that time was entirely disinclined to any constitutional arrangement, but looked forward either to a party contest, or intended to demand the intervention of Foreign Powers. It would then have been perfectly right and just for them to give the Portuguese Government advice in that matter; but to have proceeded any further at that time was beside their province. That was strongly felt by the noble Lord opposite. They would find in a despatch from Lord Palmerston to Sir H. Seymour, in the month of February, the following statement:—

> "But however desirous Her Majesty's Government may be to see an end put to the civil war which is now wasting the resources, paralysing the industry, and destroying the social happiness of Portugal, yet in a civil dissension of such a kind, touching the internal affairs of an independent State, the British Government can only interfere by moral agency, and in one of two ways. First, Her Majesty's Government, as the organ of a Power bound to Portugal by the ties of interest and by the obligations of treaty, might offer its good offices, as a friendly channel of communication between the Lisbon Government and the Junta of Oporto, with a view to convey from the one to the other any propositions which might be calculated to bring about an accommodation, leaving each of the two parties to form its own decision upon the propositions made by the other; and Her Majesty's Government have already authorized Colonel Wylde to declare himself ready to undertake this duty. But, secondly, if the Lisbon Government and the Oporto Junta should each agree to refer the matters in difference between them to the decision of Great Britain, Her Majesty's Government would cheerfully accept the task thus imposed upon them, and would use their utmost endeavours to settle these matters in a just and permanent manner, with all due regard to the dignity of the Crown on the one hand, and to the constitutional liberties of the nation on the other."

It was clear that, up to that time, the noble Lord at the head of the Foreign Department did not think himself competent to interfere in this matter; and so long as there was any hope of a constitutional arrangement between those parties in Portugal, he did not think it came within the province of England to offer anything but moral interference. But they found almost from the beginning an inclination on the part of Portugal to demand the intervention of Spain. In a letter from Mr. Bulwer to Lord Palmerston, in the month of March, Mr. Bulwer gave an account of a conversation with Count Thomar, in which he stated it to be the intention of the Spanish Government to interfere in this matter. In his letter of the 2nd of March, he says—

> "I informed Count Thomar yesterday of the despatch I had received from your Lordship respecting the affairs of Portugal, with which he declared himself to be already acquainted. Count Thomar then asked me whether our Government would consider that the fact of the Miguelites joining the Septembrists would be considered sufficient to warrant British intervention, if these parties united did not put forward the name of Don Miguel? I said that I could not answer him as to any details respecting this question, but that I could say, as a general principle, that England would not interfere by force in Portuguese affairs merely to re-establish the Queen of Portugal's Government; and that it must have before it some particular case, such as a new attempt on the part of Don Miguel and his adherents, whom it had formerly opposed, in order to justify the renewal of its exertions in the support of Donna Maria's throne. Count Thomar said, he did not understand matters so; for that if the rebels knew that we should oppose them if they took the name of Don Miguel, they would not take it; and that if they vanquished the Queen, it would not much signify to Her Majesty in whose name or in what cause they did so. I told Count Thomar that, according to what he was then saying, he wished England to support the Queen of Portugal's throne, against her own subjects, whatever might be the policy Her Most Faithful Majesty might pursue towards them, or the reasons they might have for resisting it; in which case the Sovereign of Portugal would be imposed upon Portugal by foreign force; and that I did not think that either the Portuguese nation would approve of this sort of presumption on our part, or that the English nation would sanction the principle on which it was founded."

They found Lord Palmerston agreeing in the principle that it would be much better to leave the matter to be decided by the Portuguese themselves; but what was Count Thomar's answer to Mr. Bulwer. Mr. Bulwer says—

> "Count Thomar said, 'Well, then, if you do not interfere in this way, you have no right to prevent another nation from so interfering.' I replied, that we had the right of a great State in Europe, which did not choose that the balance of power in Europe should be disturbed, which it would be if the nature of the Portuguese Government were so changed, that the Queen of that country had merely to depend for her authority on Spanish intervention, which intervention was the one, I presumed, to which he alluded."

It was soon after determined upon by the Spanish Government to interfere in the affairs of Portugal, and the representations of Mr. Bulwer had no effect whatever. It would be difficult for the English Government to make a *casus belli* of the intervention of Spain in Portugal. The Spanish Government saw that it could interfere with impunity, and it was quite clear that it was determined to do it. He would next call the attention of the House to a letter addressed, in the month of March, by Sir H. Seymour to Marshal Saldanha, and which he was sure would be read with the greatest pleasure by every Member of the House. Sir H. Seymour urged upon the Marshal in the strongest way how important it was that he should come to terms with the party of the Opposition, and he said—

> "This may appear strong language when employed by an humble individual like myself to Marshal Saldanha; but this humble individual has a duty to perform, which no feeling of false delicacy will prevent the performance of, at a crisis like the present. Here is here the Minister of the most ancient Ally of Portugal—an Ally whose friendship has been proved, not by empty words, but by most unequivocal acts; he is heart and soul in the cause, which, according to his feeble means, he wishes to support; and he is convinced that he cannot give better proof of his feelings than in entreating Marshal Saldanha to reconsider his first determination—than in laying before him how much higher his name will stand as the pacificator than it could ever do as the conqueror of his country."

Up to that time the position in which they stood towards Portugal was this: they had done all in their power, by persuasion both with the Court, the Ministers, and all the powers of Portugal, to conciliate these unhappy differences, and induce them to come to terms with the Junta; but all those attempts failed. Every effort was made to establish things on a satisfactory basis, but those efforts had totally failed; and when the Portuguese Government became determined to call in foreign intervention, surely a new course of events came to be considered, and it became the duty of the British and every other Government to consider how they should act. About that time they would find, in a despatch from Don Manuel de Portugal, communicated to Lord Palmerston by Baron Moncorvo, the following statement. The writer, after referring to the bonds of alliance that had formerly moved Great Britain to sustain the Queen's throne, says—

> "The same political bonds of intimate and ancient alliance, which in that war moved Great Britain to sustain the Queen's throne, still exist in their whole vigour; and the same interest ought to move Great Britain and its Government to terminate, as quickly as may be, so desolating a war, which, if it should be protracted in this manner, will ruin the country, so as that its 3,000,000 of inhabitants will lack the wherewithal to pay for the British produce and manufactures which they have hitherto been in the habit of consuming."

After asking the assistance of England, he threw out some hints as to the assistance they expected to get elsewhere, and says—

> "By the present opportunity I must request your Excellency to inform Viscount Palmerston that the French Minister having a few days ago made to Her Majesty the greatest assurances of the good disposition of the King his master to assist the Queen's cause, Her Majesty has by this packet directed Her Minister in Paris to thank the King of the French for these generous and friendly offers, and to assure His Majesty that if the succour of France should in the present crisis be deemed necessary by the other Allies of Her Majesty, Her Most Faithful Majesty would not fail, in concurrence with them, to call for it."

The matter did not seem to come to any conclusion; they were not certainly authorized to say that the French intervention would have actually taken place independently of the English; but when they regarded the present views of France towards the Peninsula, it would, he conceived, be most dangerous on the part of Great Britain to give an excuse for that intervention, which might very naturally have transferred itself from Portugal to the neighbouring country; and it would be very difficult for them to prevent that if they permitted it in the former case. At all events, the French Government, whatever might be its own intention towards Portugal, entirely agreed as to the intervention of Spain; and they had arrived at this state of things in which the question proposed to the English Government was this—were they willing the Government of Portugal should ask and receive intervention wherever they could obtain it? or, would they, by giving their assistance in that intervention, so regularize and limit it, that the evil, such as it was, might be kept within the smallest possible limits—that it might, as soon as possible, be stopped, and made as beneficial as possible, instead of being injurious? He would next refer to the despatch of April 5, which expressed what he believed to be the best policy. The noble Lord distinctly laid it down in this letter that Her Majesty's Government did not think themselves justified in interfering under the stipulations of the Quadruple Treaty. He said this as distinctly as the hon. Member for Montrose; for the contest in Portugal did not turn on the question as to who should be Sovereign, but as to who should be the responsible Ministers of the Crown in Portugal. If the noble Lord the Secretary for Foreign Affairs were to state the case against himself, he could not do so more strongly than in the despatch of the 5th of April. The noble Lord began that despatch by enumerating the course of events since the Treaty of Quadruple Alliance in 1834, and then said—

> "But the British Government, adverting to the close connexion which ancient treaties have established between the Crowns of Great Britain and Portugal, and bearing in mind the many and great interests by means of which the relations of commerce have knitted together the two countries, cannot see with indifference the calamitous condition to which the continuance of civil war is fast reducing the Portuguese nation, and cannot but feel the most ardent desire to make every possible proper effort to co-operate in bringing that war to an end."

Such were the plain, distinct grounds on which the noble Lord deemed British interference justifiable. He considered it the moral duty of the Government of this country, if possible, to bring this civil war to an end; and he believed that, in a diplomatic point of view, they were perfectly warranted in making the endeavour. If England declined or hesitated to interfere, but another country did so, in what position would England then find herself? In a position which would be highly censurable. But in what way did our Government interfere? Did they seek to strengthen, or promote, or confirm the encroachments of the Crown? Did they seek to diminish the liberty of the Portuguese people? Did the mode in which the noble Lord the Secretary for Foreign Affairs acted show any disposition to throw the weight of England into the scale of despotism? for that was really the question. He denied it; and he thought there was abundance of evidence in the blue book before him to disprove the allegation. Then if, in fact, they had interfered on behalf of the people for peace and good order, and on the side of the Junta, the whole case of the hon. Member for Montrose fell to the ground. Now, what were the conditions or stipulations which the noble Lord proposed? First, a full and general amnesty for all political offences committed since the beginning of October last; and an immediate recall of all persons who, since that time, had been sent out of Portugal for political reasons: secondly, an immediate revocation of all the decrees which have been issued since the beginning of October last, and which infringe upon or conflict with the established law and constitution of the kingdom. The third article was, that there should be a convocation of the Cortes, so soon as the elections, which are to take place without delay, shall have been completed. He would ask his hon. Friend the Member for Montrose, whether such an intervention with the cause of Portugal would be injurious to the liberties of that country? And, fourthly, the immediate appointment of an Administration, composed of men not belonging to the party of the Cabrals nor being Members of the Oporto Junta. These were the stipulations offered. What occurred next? Colonel Fitch was sent to confer with the Junta, and he said—

> "We met the Junta this morning, who stated that they had no objection to the basis of the transaction forwarded by the British Government, and that the difficulty did not rest upon them, but with the Government of Her Most Faithful Majesty, who up to that time had determined not to accept the proposals of the British Government."

To three of the propositions the Junta assented. Then, how could it be said that England interfered on behalf of the Crown? The very nature of the stipulations, as well as their reception by the Junta, showed that it was the greatest abuse of terms to say so. He was aware there was great difficulty between making a proposition and carrying it into effect. As long as the proposition was made without the menace of an alternative, it was little more than a sort of mediation; and it only assumed the character of active intervention when acts of violence were resorted to. But it was said, this interference was injurious to the liberties of the Portuguese nation. He would put this question—how could the Junta hope to obtain better terms from the Crown, *per se*, than they could aided by England? And again, if the British Government did not threaten the use of force in case the Junta refused to accept those reasonable terms, it was not at all likely the Portuguese Government would be brought to treat with them at all. The Junta, as he had already said, seemed perfectly agreed in the justice of these stipulations; and why they did not continue in the same opinion was, because they had not perfect freedom of action. Such was the impression of Colonel Wylde, who wrote to Lord Palmerston, saying—

> "The Junta seemed to admit the justice of our arguments, but said that the conduct of the Queen had inspired the nation with such distrust that the Junta itself had not the power to make their party lay down their arms without the guarantees afforded by these conditions. We told them that the conditions being offered through the Allies, was a sufficient guarantee for their being carried out with good faith. They said it might be so to the chiefs of their party, but not to their followers; and, indeed, we have ascertained beyond a doubt that the Junta is coerced by two or three of the more violent chiefs of their party, and by the people in arms under their influence."

Subsequently, as appeared by the despatches, the Junta required—

> "That the pensions granted by the Provisional Junta of the Supreme Government of the kingdom of the 20th of February, 20th of March, and 28th of April, 1847, relative to the officers belonging to the Royalist army, shall be inviolably maintained, and that the Government of Her Majesty shall continue to accord to them the same consideration which they have deserved of the Junta."

And further, that—

> "The appointments and military promotions in the army and navy, and the nominations to various posts made by the Provisional Junta of the Supreme Government of the kingdom, shall be maintained. This shall be observed with respect to the honours and titles granted by the Junta."

And the 7th of the additional articles proposed by the Junta stated that the troops of the line, as well as the regular national forces which obey the Provisional Junta of the Supreme Government of the kingdom, shall be maintained until the Cortes shall pass a law fixing the public force, and providing for its organization. These forces shall constitute the garrisons of Lisbon and Oporto. The forces subject to the Government of Lisbon shall be stationed in quarters in the provinces, &c. And the 8th of these additional articles set forth that there should be—

> "No general supreme military command. The command of military divisions, and of bodies of the army, shall be confined to the generals and officers who have given proofs of their adhesion to the national pronouncement, or who shall not have opposed it."

The effect of accepting those additional articles would be to place the Junta in a position which they could not possibly maintain. It appeared to him perfectly impossible that Colonel Wylde could have acceded to these additional articles; and what he ought to have done was what he had done, namely, to adhere to those original propositions to which the Crown would have yielded, and which the Junta would have accepted, without any compromise of honour or patriotism. Her Majesty's Government was, he thought, bound in honour to adhere to its proposals. He believed that on that very morning the noble Lord (Lord Palmerston) had the singular good fortune to receive intelligence which might be deemed conclusive of the termination of this contest. It appeared from the public journals that the Conde das Antas and 2,500 of the forces of the Junta had been made prisoners by the English fleet; which must be regarded as a piece of good fortune. [Mr. HUME: Hear, hear!] He understood the hon. Member's cheers, and wished to know where those prisoners could be safer? Did the hon. Member for Montrose think that if Spanish intervention, or the intervention of any other foreign country, had been brought to bear upon Portugal, that those forces of the Junta would be in a better position than they now were? One party or the other in a civil war must be subdued before the dreadful strife was brought to an end; and how could such a result be brought about with less of injury, less of disgrace to the conquered, or with a smaller sacrifice of any description than by this capture of Das Antas and his prisoners? Das Antas and his troops, it was true, were prisoners; but they were conquered as brave men should be. They saw an overwhelming force ready to overpower them if they resisted, and it would have been absurd and impolitic in them under such circumstances to fight. He could not tell the particular circumstances under which Das Antas and his force fell into the hands of the British. A great deal had been said about the infamy which would attach to the English name, because due warning of the attack had not been given. But the fact was that warning had been given, and given, too, as soon as the stipulations were offered. The Junta knew the alternative, and if they did not act accordingly it was their own fault. They were apprised of the ultimatum of the Three Powers—just, liberal, and fair terms were offered to them, and it was declared that if they did not accept them they would be coerced to do so. For Das Antas, the Junta, or any one else, to suppose that the Powers, or any of them, would make a formal declaration of war against armed insurgents before they resorted to measures of force, was absurd in the extreme, and such a thing as no statesman in his senses would dream of doing. In conclusion, he thought he might congratulate the House and the country, upon the fortunate issue of a state of affairs which looked so alarming. He knew that some hon. Members would say that it was not a conclusion at all; but he felt confident that if the noble Lord persevered in the course he had adopted, peace would be soon restored to Portugal. The noble Lord was bound to go on in that course, and to do all he could to secure the peace and liberties of Portugal. He further thought that, as they had used force, they ought to protect those prisoners whom they had arrested. For this reason he regarded with a strong feeling of disapprobation the address of Colonel Wylde to the Junta, in which he said—

> "I am instructed further to make known to the Junta and to their adherents that after the liberal conditions offered by Her Most Faithful Majesty, a continued resistance to her authority will exclude those so resisting from the benefit of the amnesty, and will render them responsible for all the calamities which they may bring upon their country."

He hoped that this was only meant as a mere menace, and that it was not the intention of the noble Lord to act upon it. On the contrary, he hoped the noble Lord would do all he could to soften the hard fate of those poor men, for though they had been conquered, their cause had not been conquered. The Crown of Portugal was now bound by a very solemn obligation to England to carry out, to the fullest extent, the liberal and constitutional spirit expressed in these four resolutions. He trusted that every effort would be made by the noble Lord to insist on such a course being taken, and that the Crown of Portugal—if Crowns can be taught lessons at all—should by this time learn that it was neither safe nor prudent to provoke the people by encroaching on the constitutional liberties of the country. [An Hon. Member: This has already occurred three times.] This might have been done three times, but he trusted the present warning had been sufficient. This country had bound the Court of Portugal, in the face of Europe, to adhere to the articles which had been entered into with the Junta. The Court, he repeated, was morally bound to adhere to the proposals made to the Junta, and he conceived that the mediation of England was only offered on that understanding. The hon. Member for Montrose deprecated foreign interference. Did he wish to see the Junta absolute—did he wish to see its forces march upon Lisbon, the Sovereign dethroned, and obliged to take refuge in England—did he wish to see Portugal desolated with a civil war, it might be a protracted one; and would he prefer any or all of these things to the bloodless and effectual measure which had been taken—did he think that a more desirable result could have been brought about in any other manner; and if so, how? The hon. Gentleman seemed apprehensive that liberal principles would be trampled upon in Portugal; but the book before him furnished abundant evidence, not only of the prevalence of liberal principles in Portugal, but of the most violent revolutionary ones, and, the most violent anti-monarchical feelings. If England had not interfered, it was extremely probable that the Queen would have been driven from her capital—that she would have been deposed, and probably a Regent appointed. What would have been the end of all this but the entire social disorganization of Portugal? When they considered what sacrifices England had made to establish a constitutional Government in Portugal—how important it was that the example of successful insurrection should not be set before the eyes of the Spanish people—and, finally, what calamities might have occurred but for the prompt intervention of England: he thought they had sufficient reason to rejoice in the step which had been taken. What he would wish was, that the present distracted state of affairs there might be brought to an end without giving entire victory to either side; that those great principles of constitutional liberty for the preservation and maintenance of which the struggle had been undertaken, might be firmly and completely established, and that they might, unshaken and uncontaminated, be in full force when the contest terminated.

Lord W. PAULETT was understood to say, that he thought the Government perfectly right in endeavouring to mediate in every way they possibly could; but on looking at this great question, and considering it in all its bearings, he must say, that, in his opinion, there had been no ground for armed interference. He put out of question the arbitrary acts which had been committed by the Sovereign; he was quite sure that the noble Lord (Lord Palmerston) would not be the apologist of the Queen in this respect. He looked upon the question in a broad international point of view, and must again say, that he could see no reason which could justify armed interference. If there was any violent opposition to the Portuguese Sovereign, she might have taken refuge in a British ship of war; but that, he thought, was the utmost they should do. Entertaining those opinions, he regretted to say he must, upon this question, withold his support from the Government.

Mr. WARBURTON said, if the principle of Government interference in the policy of a foreign State were once admitted, he thought no interference could have been conducted with greater propriety than that of the noble Lord. But, in his opinion, that interference was not justifiable; for when our Government undertook to interfere in the affairs of Portugal, they made themselves responsible for all the consequences. The upshot of that interference was to place the Government of another country entirely in the hands of this Government; and the interfering State was thereby rendered responsible for the acts of that foreign Government, and, in short, virtually undertook the administration of that foreign State. It appeared to him that the consequences of this system of interference with the affairs of other countries was to induce the Governments of those foreign countries to look to ours for support; thus teaching them to depend, not upon themselves—not upon a just and beneficent rule — not upon dispensing justice and mercy to their own subjects, but upon foreign force. Upon this point Sir Thomas Monro and others had given such intelligent opinions, elicited by the Committee appointed to inquire into the renewal of the East India Company's charter, that he would briefly quote a few passages. The Secretary of the India House, on being examined, said—

> "I cannot so well describe the evils incident to the system, as by the following quotation from a letter, addressed by the late Sir Thomas Monro to the Marquess of Hastings, dated the 12th of August, 1817:—'There are many weighty objections to the employment of a subsidiary force. It has a natural tendency to render the Government of every country in which it exists weak and oppressive, to extinguish all honourable feeling among the higher classes of society, and to degrade and impoverish the whole people. The usual remedy of a bad Government in India is a quiet revolution in the palace, or a violent one by rebellion or foreign conquest; but the presence of a British force cuts off every chance of remedy, by supporting the prince on the throne against every foreign and domestic enemy. It renders him indolent, by teaching him to trust to strangers for his security; and cruel and avaricious, by showing him that he has nothing to fear from the hatred of his subjects. Whenever the subsidiary system is introduced, unless the reigning prince be a man of great abilities, the country will soon bear the marks of it in decaying villages and decreasing population.'"

The late historian of India, Mr. James Mill, said—

> "In this awful state of things in India, the only check upon the despotism of princes was awe of their subjects. Insurrection against oppression was the regular practice of the country. The princes knew that gross mismanagement or oppression would almost certainly produce a revolt, when they would probably be tumbled from their thrones, and the successful leader of the insurgents put in their place. But all this awe was checked and done away with by our intervention. The people knew well that their puny power would be utterly unavailing against the overwhelming might of a British army; and the consequence was, they were forced to submit to every species of oppression."

It was found by experience that, in consequence of this cause, misgovernment had reached its utmost pitch—in fact, far beyond its ordinary limits. Such were precisely the effects he anticipated from resorting to such interventions as the present. The noble Lord said, he had a dislike to interfere. If this were the case, why did he go into the matter? Every consequence which was pointed out as having resulted in India was likely to arise in this case. If our Government misconducted itself, there was some means of obtaining a remedy. We had been long habituated to a regular Government, and admitted that the resort to the *ultima ratio* was the most objectionable, as it induced kings and subjects to have recourse to arms on the most uncalled for occasions. Englishmen could not place themselves in the situation of the Portuguese people; for what might appear to us to be immaterial, might be to them of the most serious consequence. It was evident that the greatest distrust existed between the Junta and the Queen's Government; and, from reading the correspondence, he considered the former body was justified in looking on the latter with suspicion. It appeared in one of the despatches that Sa da Bandeira had yielded to the armistice; but during the suspension of arms, and under cover of night, a battery was secretly erected opposite the fortress where he was. How, then, could he trust a Government which had recourse to such unfair proceedings? He was not prepared to put the Government out, and put the noble Lord (Lord G. Bentinck) and the Protectionists into the Government for the purpose of conducting the elections; but he entirely condemned the conduct of the British Government in this proceeding.

Mr. H. J. BAILLIE confessed he had not attached so much importance to the production of papers as some hon. Members. He knew that their production would cause delay, and he knew that delay was an old habit of the noble Lord the Foreign Secretary. So long ago as 1831, he found that great complaints were made with regard to the production of certain papers from Portugal, which the noble Lord had promised to deliver, and which had been too long delayed. But that was not the only reason why he thought that the Motion ought not to be postponed till the production of the papers. For it appeared to him that it was not the question whether the one party or the other party in Portugal was right or wrong—that was not the question which the House of Commons had to decide. The Chartists, the Cabralists, the Juntaists, might all or each of them, in their turn, have violated the charter of Don Pedro. That might be a very interesting subject for the people of Portugal to discuss ; but it was not an interesting subject to the people of this country. The question which they had to decide was, whether the Government of this country could be justified under any circumstances in adopting an armed interference in the internal affairs of Portugal—under any circumstances short of an attempt upon the liberty and independence of Portugal by a foreign Power. That was the point which they had to decide, and upon that point he wished to make a few observations. He was very anxious to know on what ground the noble Lord the Secretary for Foreign Affairs would justify his interference ? He was anxious to know whether the noble Lord was prepared to detail all the advantages which the people of this country had already derived from our former interference in the internal affairs of Portugal ? He was anxious to know whether the noble Lord was of opinion that all the blood and treasure which of late years had been expended in maintaining and upholding the existing dynasties of Spain and Portugal, had been attended with any corresponding advantages, whether commercial or political, to the people of this country — whether the course which we had pursued there of late years had added to our military reputation, or added to the respect which was entertained for the people of this country by the three great nations of the world ? He confessed he was anxious to hear the sentiments and opinions of the noble Lord in reference to this subject; and he trusted that he would give the benefit of his great knowledge and experience in this respect. But, under any circumstances, he (Mr. Baillie) must feel it his duty to remind the House of some of the consequences which had followed what he could not designate by any other term than the unjust, the unnecessary, and the uncalled-for interference of this country in the internal affairs of Spain and Portugal. He would not go further back than to the period when Don Miguel assumed the royal authority in Portugal. [Lord PALMERSTON : Hear, hear !] The name of Don Miguel seemed to excite the noble Lord. At the time to which he had alluded, the Government of the day pursued the objectionable course of exciting and promoting a bloody civil war in Portugal. It might be remembered that at that period the whole of Portugal, with the exception of the small island of Terceira, was under the actual sway of Don Miguel. Such was the state of affairs when Don Pedro arrived in this country from the Brazils. He raised a loan in London for the express and avowed purpose of fitting out a fleet, and raising a body of troops in this country for the conquest of Portugal. That fleet was to be manned by English sailors, and commanded by a naval officer of talent and experience in the navy of this country. The troops also were to be commanded by an English officer—in short, it was perfectly manifest that the Government of the day gave—not openly, but secretly—every encouragement to the expedition. The expedition left the shores of England, and it was unnecessary that he should enter further into any of the details that might be pursued. Suffice it to say that after a bloody struggle Don Miguel was deposed, and the existing dynasty of Don Pedro was established in his place. Now, allow him to ask, what advantages had been gained by the people of this country by this very objectionable mode of interference ? Had it obtained for us the love, or the respect, or the gratitude of the people of Portugal, or even the good will of the Government which we had established ? If he might judge from the results, the very reverse was the fact. They had not even gained the poor advantage—if, indeed, modern theories would allow it to be any advantage at all—of a commercial treaty. Remember that while Don Miguel was *de facto* the Sovereign of Portugal, they had a commercial treaty with that country—a treaty which gave considerable advantages to the people of this country—which at least conferred great privileges upon the English merchants that were established in Portugal. But when that treaty expired, the Government which we had established not only refused to renew it, but they declined to enter into any treaty with this country which the Minister of the day could judge to be fair or just to the people of this country. So much, then, for the feelings with which the Portuguese people regarded us, or rather, he would say, the Government which we had established. Now, see the results of our interference in the internal affairs of Spain. In that country, at least, we could not be accused of having stirred up promoted a civil war. The Government of this country found a civil war existing, and undoubtedly they lost no time in taking part in it, and adopting the cause of one of the contending parties. In that country we again adopted what he must say was the objectionable course which had, however, proved so successful in Portugal. It was proposed to the Spanish Government that they should raise a large body of troops in this country, to be commanded by an English officer of talent and experience. By the Quadruple Treaty it was proposed to afford arms and ammunition of every kind to the Spanish Government; they also sent out a fleet to the shores of Spain, and they landed a large body of marines in that country. He would not, however, he again said, enter into a detail of the operations, and narrate the misfortunes which befell that unfortunate expedition. Suffice it to say that the energy and ability of a British officer were mainly instrumental in saving Bilboa, and in preserving the Crown of Spain to the existing dynasty. Now he would not ask whether the course which had been pursued with respect to Spain had gained either the gratitude or the respect or the love of the people of Spain. The events which had taken place during the last few months were significant enough, and were sufficient to answer for themselves. They had seen the Government which they had contributed to establish, prostrate at the feet of Louis Philippe—they had seen the advice and the councils of England spurned and rejected—they had seen the protests of England ridiculed and contemned—they had heard the French Minister declare and boast that having carried the great object which he sought in Spain, he had recalled his Ambassador, but that he was prepared to maintain the predominant influence of France whenever it suited his object or purpose so to do. Such were the consequences and such the fruits which they had gathered from their interference in the internal affairs of Spain. Now, in spite of all their former experience, they were about once more to plunge into the chaos of Peninsular politics, in order that they might embrace the empty shadow of their traditional influence and connexion with that country. Could they not leave the people of Spain and Portugal to fight out their own disputes by themselves without the interference of this country? Of what importance was it to us which party became predominant, or what form of Government was established either in the one country or the other? But what rendered interference on the present occasion still more objectionable was this, that we had taken the initiative—we had set the example of an armed intervention in the internal affairs of Portugal, and by that means we were precluded hereafter from protesting and denouncing the Government of France, provided it should adopt a similar armed interference in the affairs of Spain. He knew there were some who contended that, if this country had not interfered, other parties were prepared to do so. He presumed that by other parties it was meant that Spain or France would have interfered. But so far as he had been able to collect from these papers, neither the one Power nor the other had the slightest intention of interfering in the internal affairs of Portugal. It was true that at the commencement, when there was a probability that the movement would become a Miguelite one, the Government of Spain had some thoughts of interfering. But so soon as it was ascertained that the Miguelite chief was destroyed, and the party dispersed, the Government of Spain frankly avowed that they had no intention whatever to interfere single-handed; and it was clear that they never would have done so unless they had been supported by France on the one side, and England on the other. It was also clear from these papers that the interference had taken place at the invitation of England—that France and Spa n only followed in our wake. He knew there were some hon. Gentlemen in the House who thought that the House had no business to interfere with the course of policy that might be adopted by the Foreign Minister of this country — that they ought to wait till events unfolded themselves—till the papers and correspondence were laid upon the Table—in fact, until the events had become matters of history; and then that they should take a review of the whole subject, and, if necessary, withdraw their confidence from Her Majesty's Government. He confessed he was one of those who entertained a different opinion. He thought that if they perceived that the Government of the country was about to adopt a course of foreign policy which they believed was likely to prove injurious to this country, it was their duty to interfere and to warn the Ministry that such a course of policy would not be supported by the House. If they were to fail in their duty in this respect, they might become involved in engagements with foreign countries which, whatever might be the sentiments of the people of England — however distasteful it might prove—however unfortunately it might be received—it would be impossible for them afterwards to evade or to retire from with honour. That, he feared, was already the case on the present occasion. Let not this consideration, however, deter the House from supporting the Motion of the hon. Member for Montrose, and thus sanction the principle which he believed was a popular principle in the country—that they ought not to interfere by force of arms in the internal affairs of another country.

Mr. B. OSBORNE had expected to hear an official statement from some Member of the Government, as to the grounds on which the present intervention in Portugal had taken place. He should have felt satisfied if some of those "mute inglorious" Lords of the Treasury, of whom they saw so much and heard so little, had replied to the objections which had been urged against the course pursued by Her Majesty's Government. It was true that the Government had been defended by the hon. Member for Pontefract (Mr. M. Milnes), and the noble Member for South Durham (Lord H. Vane); and he presumed that Her Majesty's Ministers were so well satisfied with the able, though somewhat cloudy statements of those hon. Members, that they were content to say, "Gentlemen of the House of Commons, this is our defence; we require your answer; and at the end of the evening we shall be prepared to wind up." The hon. Member for Pontefract had, in his own person, exemplified the great importance of which an intervention might sometimes be to a Government; for, if that hon. Gentleman had not made his appearance, with his red box at the critical period when he entered the House, it was not improbable that they might have gone to a division, and that the Government, judging from the aspect of the benches at the time, might have been left in a woful minority. The hon. Member for Pontefract had drawn, in some measure, upon his poetical invention, in order to furnish a defence for what he considered a most unjustifiable interference on the part of Her Majesty's Government. The hon. Gentleman had said, that young countries required schooling in constitutional government. He did not know what idea the hon. Gentleman might have formed of this schooling; but if the hon. Member meant that trial by jury should be abolished—that people should be immured in prisons without any sanction of law—and that Sovereigns should be allowed to trample on the constitutional rights of their people; and if this schooling — which was the schooling the Portuguese people were required to go through—was defended by the noble Secretary of State for Foreign Affairs, he would say that the sooner that noble Lord quitted his office, the better it would be for this country. It could not be denied that great indifference, amounting almost to apathy, existed in the country, and even in that House, with reference to questions of foreign policy; but he thought, if there was one subject connected with foreign policy which ought to interest the people of England and that House more than another, it was any question relating to the affairs of Portugal. For upwards of 400 years there had been an intimate connexion between that country and England; and some of the brightest pages in the history of our glory were entwined with the name of Portugal. In his (Mr. Osborne's) own case he had felt that indifference towards questions of foreign policy, arising from the great and strong confidence he had felt in the wisdom of the noble Lord at the head of the Foreign Department—in the knowledge which that noble Lord possessed of the wants and wishes of the people of the Peninsula, and in the deep interest the noble Lord had ever exhibited and the desire he had shown to aid the struggles of liberty on all occasions. He felt further bound to say, that so far as the words and the despatches of the noble Lord went, they redounded to his credit and his honour; and he only regretted that the noble Lord had, after all, arrived at such lame and impotent conclusions. But there was one matter which required observation. In the year 1845, when the late Government had been broken up, and a new one was about to have been formed, a certain noble Lord had exhibited great disinclination to take office in the same Administration with the noble Lord at the head of the Foreign Office, in consequence, as it was freely said, of the meddling tendencies of the noble Lord. A great commotion had been excited amongst the Whig party by the occurrence, and a great outcry was raised against the noble Lord (Earl Grey) who had started the objestion, and who was called a "crotchety and an impracticable man." There could be no mistake as to whom he meant.

Well, that noble Lord had been described to be an impracticable and a crotchety man, and it was said that no Cabinet could last in which he was. When the present Administration was formed, however, that noble Lord was found to be a Member of it; and he (Mr. Osborne) was perfectly astonished to learn that upon the present occasion the noble Lord had not made those objections to the interference of this country with Portugal which the noble Lord's former conduct had led him to expect. The noble Lord, who in 1845 was frightened at the shadow of interference, was now, in 1847, prepared to embrace the actual reality. There was but one reason that appeared at all satisfactorily to account for such a fact, and it was that which Mr. Burke explained when he said —"If we only allow one person to tell us his story continually every night and morning for a twelvemonth, that person will then become our master." On no other ground could he account for the noble Lord clinging to a Cabinet of which he refused to become a Member in 1845, because of the meddling capabilities of the present Foreign Secretary. It might be very fairly said by the hon. Gentlemen who supported this intervention, that they looked upon it as a great scheme for the pacification of Portugal; but if it could be proved, as he hoped it would that evening, that so far from this intervention pacifying Portugal, it was, in fact, laying the seeds of a general war through Europe—if it could be proved that it perilled the very existence of Portugal as an independent State—and if it could further be proved that by it this country was supporting nothing less than the principles of despotic monarchy and absolutism—then he would say that every Member of that House who represented a liberal constituency was called upon to express by his vote his reprobation of the conduct of Her Majesty's Government. It seemed passing strange, and the more so after reading the eloquent and able despatches of the noble Lord, that it was not till the 21st of May that he arrived at the conclusion that Portugal must be coerced by force of arms. It was impossible to account for the conduct of the noble Lord by reference to the motives which usually guided people in ordinary affairs. There were whispers of mysterious influence—of back-stairs intrigue—which he only mentioned to pass them by. But he was forced to the conclusion that the noble Lord was averse to the whole proceeding, and had been outvoted in the Cabinet. How could the House expect, after the despatches read by the hon. Member for Montrose, that the noble Lord would join in carrying out the principles of the Holy Alliance, and countenance the junction of Three States for the coercion of another? But through all the despatches except those of the noble Lord, the same idea prevailed—that the Queen must be supported at all hazards, and the rights and liberties of the people set aside. What was the meaning of non-intervention? A statesman of great experience, whose name was sufficient to give weight to his definition, had described it as the principle—

> "That every nation has a right to manage its own internal affairs as it pleases, so long as it injures not its neighbours; and that one nation has no right to control by force of arms the will of another nation in the choice of its Government or ruler. To this principle I most cordially assent. It is sound—it ought to be sacred—and I trust that England will never be found to set the example of its violation."

Such was the language of the noble Lord the Secretary for Foreign Affairs, on the 1st of June, 1829. Interventions had always been carried on secretly, otherwise they could not have been effected. They were so ruinous to the interests of the country and of mankind, that if at once avowed they would never be permitted. A great fuss had been made about the production of papers. At the very minute the hon. Member for Montrose was pressing for papers the protocol was published in Paris. The noble Lord spoke of the proper time for producing those papers. The proper time, it might be presumed, would be when the act was accomplished, and a vote of estimates to pay the current expenses demanded. There was no case analogous to the present. The only one, indeed, was to be found in Moliére's play *Les Fourberies de Scapin*. Scapin got hold of a goodnatured man, whose life, he said, was in danger, and whom he persuaded to hide himself in a sack. When the man was in the sack Scapin told him that two conspirators were present, and then kicked and flagellated his unfortunate friend, throwing the blame on the imaginary conspirators. In the present instance the part of Scapin had been performed at the cost of the Junta of Oporto, which occupied the position of the unfortunate gentleman in the sack. There was one great name which did not appear in the transaction; but when there was any dirty work to be done, he was ever ready, like another Mephistophiles, to push his instruments and victims deeper into the mire. The time, it might be predicted, would yet arrive when that great character would reap the advantage of the recent transaction, and the noble Lord would be left to bear all the odium. The Queen of Portugal, it was affirmed, had forfeited her throne when she demanded foreign aid to coerce her subjects; and from Title 4, Article 9, of the Charter of 1836, it would appear that such was the case. What, it might be asked, was the course taken by Mr. Canning in 1826? What did he say when he sent a force of 6,000 men to Portugal? [An Hon. Member: 5,000 men.] This was a question of principle, not of numbers. He declared that it never was the intention of the British Government to interfere unless with the sanction of the Cortes. A British Minister in 1826 had such a reverence for the constitution of Portugal, that he said not a single British soldier should go on the expedition till requested by the Cortes; but in 1847 the noble Lord, putting aside all charters and treaties, looking only to the absolute monarchy, did not wait to ask any consent of the Cortes, before the British fleet actually captured the ships and army of the Junta. But it would be said the Cortes were not meeting. For a very good reason they were not. The Queen had refused to convoke them. From the letter No. 3, from Lord Howard de Walden, the determination on this point manifestly appeared; so the argument was only made stronger that the Queen had trampled on the charter and broken her oath. The despatches showed that from the 6th of October, 1846, the whole object of the Portuguese Court had been foreign intervention and counter-revolution. Marshal Saldanha said to Mr. Southern, "I have no doubt this is a Miguelite insurrection." Mr. Southern expressed his doubts, and wished to see the proofs. "Oh," said Marshal Saldanha, "I was in such a passion, I tore the document in pieces." Mr. Southern wrote home and said the movement was no Miguelite movement. From his despatches, it appeared that he attributed it to the despotic conduct of the Queen; and he evidently thought, though he did not use so strong language, that the great curse of the country was the Cabral Administration. Were hon. Gentlemen aware what that Administration was? Costa Cabral started in life a furious Liberal. He was gained by the Court; and then turned a furious partisan of absolute monarchy. Of such transformations there were some humbler instances on this side the Channel. Some Gentlemen, loud in opposition, took a different strain in office, though they never rose so high as Costa Cabral. The charter of 1838 was upset by the intrigues of Cabral—it was supposed because it contained articles which prevented him from effecting his designs. By the Septembrist charter of 1838 the King Consort could not hold the command of the army. That he should hold it, Her Majesty was represented as having much at heart. Costa Cabral was in power, and, not like Gentlemen in that House, he was to be governed; he was subject to Court influence. He got rid of the charter. His first act thereafter was to appoint his brother, Don Jose Cabral, whom Dom Pedro had declared incapable of holding office, Minister of Public Justice. Then taxes were exacted without asking the consent of the Cortes; people were imprisoned without trial. On every occasion he broke through the charter which he had substituted for that of 1838. He at last had recourse to a plan which at all times had, when attempted, provoked resistance on the part of the people. He imposed unjust and oppressive taxes—one on salt, and another on burials. It was right to allude to these facts, because they had been the proximate cause of the revolution. The tax on burials was particularly obnoxious. The friends of deceased persons were obliged to produce a certificate, for which they should pay 10*s.*; and without which no priest dare allow the burial to proceed. A revolt took place in consequence, in the province of Minho, at which the soldiers were beaten. The Ministers were in consequence dismissed, and the Duke de Palmella sent for. He was a man who, for sagacity and rectitude in the world of diplomacy, was not to be equalled by any man in this or any other country. He accepted office with the best intentions; and as he (Mr. Osborne) understood, he had a scheme in contemplation for the total reformation of the Cortes and of the finances of the country. He was revolving these schemes in his mind, when on the 6th of October he was sent for to the Palace, and desired to sign his own dismissal. He hesitated at first, but he was told to consider himself a prisoner, and after being confined for one night in the Palace, he signed the decree of his own dismissal. In the mean time, the King Consort had been round to all the barracks in Lisbon, and harangued the troops; and, in some instances, substituted creatures of his own for the commanders. A despatch was forwarded to the Conde das Antas, offering the highest honours if he would take part in this counter-revolution; but to his eternal honour he refused; and he was sure that, if his hon. Friend the Member for Pontefract had been as celebrated in war as he was in verse, he would have followed the same course. He omitted to state that, when the Cabrals were dimissed on account of this popular rising, the Queen, so far from disgracing Costa Cabral —to use a common phrase—kicked him up stairs; created him Conde de Thomar, and sent him ambassador to Spain; where, it could be proved from the blue book, he had concocted the whole of this convention, and had brought, at the same time, eternal disgrace on the British nâme. It was tiresome even to read, and much more so to listen to quotations from that blue book, otherwise he could quote a letter from Mr. Southern, in which it was stated that the whole matter had been brought about by these Cabrals, and that a sum of 60,000*l.* had been sent by the Conde de Thomar. At this very moment it was Cabral who ruled Portugal—it was Cabral who ruled this country. ["Oh, oh!"] He would repeat it. He believed that however well-intentioned the noble Lord was—and he fully admitted the goodness of his intentions, and the purity and excellence of his motives—still that he was but a child in leading-strings in the hands of Cabral and Louis Philippe. He wished to read an extract from these despatches to the House; and he hoped the House would grant the same indulgence in this respect to him as it had shown to his hon. Friend the Member for Montrose, who certainly took advantage of the liberty extended to him, in order to read the whole blue book through. They would find at page 200 what it was that this Count Thomar asked Mr. Bulwer to do. The letter was from Mr. Bulwer to the noble Lord at the head of the Foreign Office, and was dated the 2nd of March, 1847:—

"I informed Count Thomar yesterday of the despatch I had received from your Lordship respecting the affairs of Portugal, with which he declared himself to be already acquainted. Count Thomar then asked me whether our Government would consider that the fact of the Miguelites joining the Septembrists would be considered sufficient to warrant British intervention, if these parties united did not put forward the name of Don Miguel? I said that I could not answer him as to any details respecting this question; but that I could say, as a general principle, that England could not interfere by force in Portuguese affairs merely to re-establish the Queen of Portugal's Government, and that it must have before it some particular case, such as a new attempt on the part of Don Miguel and his adherents, whom it had formerly opposed, in order to justify the renewal of its exertions in the support of Donna Maria's throne. Count Thomar said, he did not understand matters so; for that if the rebels knew that we should oppose them if they took the name of Don Miguel, they would not take it; and that if they vanquished the Queen, it would not much signify to Her Majesty in whose name or in what cause they did so. I told Count Thomar that, according to what he was then saying, he wished England to support the Queen of Portugal's throne, against her own subjects, whatever might be the policy which Her Most Faithful Majesty might pursue towards them, or the reasons they might have for resisting it, in which case the Sovereign of Portugal would be imposed upon Portugal by foreign force; and that I did not think that either the Portuguese nation would approve of this sort of presumption on our part, or that the English nation would sanction the principle on which it was so founded. Count Thomar said, 'Well, then, if you do not interfere in this way, you have no right to prevent another nation from so interfering.' I replied, that we had the right of a great State in Europe, which did not choose that the balance of power in Europe should be disturbed, which it would be if the nature of the Portuguese Government were so changed, that the Queen of that country had merely to depend for her authority on Spanish intervention, which intervention was the one, I presumed, to which he alluded. I then concluded the conversation by observing that it was only in England that all these matters could be discussed; that he might be sure that Her Majesty's Government in England had a strong desire to assist the Queen of Portugal where it could do so properly and justly, and that I thought it would be ungracious, if, when we came forward, as on the present occasion, with the expression of an intention to support Her Most Faithful Majesty in a particular case, it was stated that the Portuguese Government would not be satisfied unless we supported Her Majesty's authority in some other case."

Costa Cabral was the man who, from the beginning, had been the cause of the movement; and who was now actually plotting for this intervention. The hon. Member for Montrose made out a most crushing case against the Government. But he failed to point out the abominable cruelty and wicked exactions which had marked the policy of the Court party. He dwelt somewhat lightly with the cruel case of the prisoners taken at Torres Vedras, of the Count de Bomfim and the Count de Villareal. These were acts which took place under the authority of, he might say, without discourtesy, the despotic young lady who was Sovereign of Portugal. What would the wives and daughters of these men think of their Queen? A letter had appeared from one of the sufferers, who had lost a limb in the defence of her Royal father. She consigned them to a convict ship, and they were sent to a penal colony. Mr. Southern, whose excellent conduct and just views throughout were to be commended, remonstrated, without waiting for orders from his Government. What was the conduct of the other parties? They deliberately lied to him. ["Hear!"] There must be speaking out here. They deliberately lied, as they had done from first to last. Mr. Southern was left under the impression that these persons were sent to Madeira. He would pass over the petty spite of dismissing the gallant captain who complained of the confined nature of the accommodation, and appointing another. He would come to the graver question of whether the conduct of that Court was worthy of being supported and bolstered up who consigned those unfortunate victims to a penal colony, where life was at best uncertain for a month, and then endeavoured to deceive a British Minister by saying they had sent them to Madeira? Mr. Southern gave a strong opinion of the despotic conduct of the Court of Portugal. Among all the papers quoted by his hon. Friend (Mr. M. Milnes), he took care to quote none which said anything against the Court of Portugal. Mr. Southern said—

> " Measures which your Lordships long since recommended, I feel convinced would even now, if promptly and efficaciously carried into execution, paralyse the sinews of the rebellion. An immediate change of Ministers, appointing men known for their moderation, their honesty, and their constitutional principles; solemn pledges on the part of Her Majesty of her resolution to govern constitutionally; a general amnesty, and the promise of elections as soon as peace was restored to the country—would at the eleventh hour produce, I believe, the immediate abandonment of all the criminal projects"—he begged the House to mark this—" now in embryo, save the throne of the Queen, and preserve the peace of the Peninsula."

Such was the character given of the Court by Mr. Southern. Why, nobody could have believed that the Queen, who started in 1846 with an army fully equipped, and with all the resources of the bank of the capital, should, in 1847, be driven into a corner, and be obliged to rely on a British fleet in the Tagus for protection to her policy—for the voice of the nation had never been raised to hurl her from the throne. In spite of the hints about Don Miguel being connected with the Junta of Oporto, he begged to assert, in contradiction to what had been stated by the hon. Member for South Durham (Lord H. Vane) that the authority of the Queen had never been questioned. All that the people asked was, that their constitutional rights and privileges should be preserved. They had never sought to sweep away the Throne; but they were determined—and he honoured them for the determination—that the caprices of the Court should not rule in spite of the will of the people. Several things had been mixed up with this transaction, which he thought unfortunate; for although he acknowledged the great European reputation of the gallant officer (Colonel Wylde) who had been sent out to Portugal, he thought the selection had been injudicious. The noble Lord (Lord Palmerston), in his instructions to that gallant officer, said he had selected him to give a military opinion on the movement; but it was remarkably strange that while throughout the whole of the documents the military opinions of Colonel Wylde were very few—the best military opinions were given by our Consul at Oporto—from first to last he was found meddling with the petty politics of the Court. He was a man who was sent out as a mediator; and he turned out nothing more than a mere partisan. He said nothing more than he was ready to prove from the blue book. He passed over the unworthy conduct of Marshal Saldanha in making use of Colonel Wylde's name in a public document, as "Aide-de-Camp to the Queen of England;" but he could not pass over with such slight mention the disgraceful conduct of that gallant officer in deliberately asserting the falsehood that Colonel Wylde had expressed himself disrespectfully of the Count das Antas's troops and his cause. By turning to pages 88 and 89 of the blue book, hon. Members would see that Marshal Sandanha had issued a document saying, that Colonel Wylde had expressed himself with contempt of the Count das Antas and his small party. Colonel Wylde denied in the most express terms that he ever gave a scintilla of opinion prejudicial to the Count das Antas, or to the equipment of his troops. He stated this, however, calmly and moderately. Although he had detected Marshal Saldanha forging his name to what was not the fact, he had remonstrated with great discretion. Marshal Saldanha replied in a curious passage, because it proved that instead of being sent to Portugal to give a military opinion on the movement, as had been pretended, he had in reality been sent for the purpose of supporting the cause of a dynasty. After having been convicted of stating what was not the fact, he stated that he was sorry for it, and added, "You were delicate enough to tell me that if I thought your visit to the ex-Count das Antas might be injurious to us, you would not go." So here it turned out that the gentleman who was sent by the Foreign Office to give a military opinion of the state of parties, stated to Marshal Saldanha that if he thought his visit to Count das Antas would do any harm to the cause of the Queen, he would not go. He (Mr. B. Osborne) would leave the House to see through this flimsy veil. He had admitted that Colonel Wylde was a person of great experience; but surely, when the interest of a dynasty was at stake, when the peculiar circumstances of the Queen of Portugal were considered, it was not a judicious thing in the face of Europe to send a person so intimately connected with the English Court. There was another point on which the missive of Colonel Wylde deserved the reprobation of Her Majesty's Government; and he confessed he should have liked to see in some of these despatches a few nervous sentences from the noble Lord (Lord Palmerston) reprobating in direct terms the conduct of Colonel Wylde on the 1st of May in threatening Viscount Sa da Bandeira that if he should obtain a victory over Count Vinhaes, the British forces would open upon him. What authority had Colonel Wylde on that occasion to take the name of his Queen and of his Government in vain? That was on May the 1st. The protocool which had since astonished all Europe was not signed till the 21st. Were the House to conclude that there was some secret understanding between the Foreign Office and Colonel Wylde on this subject; for in his instructions there was no mention made of threatening either side with our forces? He was told merely to go out as military inspector; not to commit himself to anything; to mediate between the parties, but not to guarantee anything to either. Rather strange instructions to give: but the first opportunity Colonel Wylde had, he threatened Viscount Sa da Bandeira with the British forces. He called upon the noble Lord to say distinctly why he suffered the name of our country to be used in this way for the mere purpose of promoting a Court intrigue? After an attentive perusal of what his hon. Friend (Mr. M. Milnes) called the "interesting book," he thought he detected that, after Sir Hamilton Seymour took up his position at the Court of Portugal, the whole policy of our Government was changed towards Portugal. Mr. Southern and Lord Howard de Walden, in all their despatches, enforced one thing on the noble Lord, and that was, that the Queen had broken through every constitutional pledge and oath, and that it was impossible to rely on anything Her Ministers said—that there was no binding them. But directly Sir H. Seymour went there, the whole scene changed. [Mr. M. MILNES: The Government was changed.] He knew that the Government was changed; but was the hon. Gentleman aware how the Government was changed, and what it was composed of? With one exception, they were all creatures of Cabral. Even the noble Lord would not have the hardihood to say that the present Government of Portugal were anything more than the creatures of Count Thomar, who was ruling them from the Court of Madrid. The Government was changed in name, but the principles remained the same: when Sir H. Seymour made his appearance at Lisbon, all his despatches were rose water. He told the noble Lord that the Queen went out to attend the wounded soldiers; but all her acts of despotism were kept in the background. He had gone to make out a case for the Count, and he had done his best to do so. He seemed a man of a nervous temperament. He wrote home to the Government a cock-and-bull story, as it had turned out, about French intervention, for it was impossible to make out from the blue book that there was any such proffered intervention. Sir H. Seymour did not mention the circumstance on his own authority; it would appear that he had it from some old lady connected with the Portuguese Court, but he sent it home to the Government, and drove the noble Lord almost beside himself. The story was now denied. M. Guizot had since explained that he never intended to interfere; that his views under the Quadruple Treaty still existed in spirit, but that he had no idea of interfering, unaided by the concurrence of Spain and England. Sir Hamilton Seymour was evidently the victim of his own fancies. He had altogether exceeded his authority. We were pledged to give protection to the Queen, in case her person was in danger; but we were not pledged to guarantee the throne of the Queen. He found Sir H. Seymour, however, in one of his letters, guaranteeing the throne. When it was expected than an *emeute* was to break out in Lisbon, and the throne was not considered safe, and the Queen was about to take refuge on board the ships, he said, addressing Don Manoel de Portugal—

> "I beg to acquaint your Excellency, that Her Majesty's forces now in the Tagus, will be prepared and ready to render assistance, according to the utmost of their power, for the protection of the person, the family, and the throne of Her Most Faithful Majesty, if endangered by such tumultuous risings."

Well, what was the answer of the noble Lord (Lord Palmerston) to that? The noble Lord took no notice of the word "throne;" but merely said, "With reference to your despatch of the 9th instant, I have to acquaint you that Her Majesty's Government entirely approve of the steps taken by you in conjunction with Vice Admiral Sir W. Parker, for affording protection to the Queen and the Royal family of Portugal, and the persons and property of British subjects, in the event of a troublous rising in Lisbon." Not a word about "the throne" of Portugal. The noble Lord knew well that whatever treaties had passed between this country and Portugal, there was no guarantee to support any particular dynasty or rulers. The only guarantee was, that we should interfere in the affairs of Portugal if it was menaced by foreign invasion. He would not go over the old treaties of 1651 and 1703, but would merely state that they did not guarantee any particular dynasty. They only said that Great Britain would defend Portugal in case it was menaced by foreign intervention. Mr. Canning, in 1822, when he was applied to, declared that he would not interfere in the internal affairs of Portugal; and he declined to guarantee any particular succession. When 5,000 men were sent to that country, the officer in command of those troops was distinctly instructed by Mr. Canning that he was not to interfere in the internal affairs of that country. If he needed any authority to prove that this had always been the policy of Great Britain, he could quote one that would be quite conclusive with the House; and he would ask the right hon. Gentleman whose opinion he was about to adduce, whether the present intervention in the affairs of Portugal was consistent and agreeable to the course which this country took in 1829? He thought that right hon. Gentleman must condemn the course taken by the present Government; and, that in spite of any wish he might have not to displace the Government, he was bound to put aside all such considerations, and say—"Here is a great principle at stake, between constitutional liberty and absolutism, and I am bound to give my vote against the Government." The right hon. Gentleman to whom he was now alluding (Sir R. Peel), on the 1st of June, 1839, speaking on this very subject of Portugal, in reply to the noble Lord (Lord Palmerston), who had attacked the intervention at that time, said, that the uniform answer of this country had been, to applications for assistance, that the guarantees given by this country had only been against foreign intervention, and that the rule laid down by England was not to interfere in the internal affairs of other countries. The right hon. Gentleman had laid down the correct rule in 1829; and he therefore hoped that in 1847 he would support the same principle by his vote. The Quadruple Alliance of 1834 did not call upon Great Britain to interfere in behalf of any particular dynasty; but it appeared that this intervention did not take place under the Quadruple Alliance. He had styled this "a convention;" but he hardly knew what to call it. He had, however, heard it suggested as a grave doubt whether they were warranted under this protocol taking away human life. And although the number of lives lost had been but trivial, he had heard it maintained that with respect to the three men killed in the late interference of the British forces, some one was liable to an action for murder. He stated no authority for this opinion, but he had heard lawyers argue it. For himself, he did not know whether this country was at war or not. One thing that astonished him greatly was, how the Foreign Minister of France could put his name to such a protocol as that recently signed in London; and still less was he able to conceive how such a proceeding could have been assented to by the King of that country. That a Monarch who had been the creation of a popular tumult—for Louis Philippe was popularly called the King of the Barricades—that he should say to the Portuguese people, "I have risen upon the ruins of the throne of Charles X., who outraged the principles of a constitutional monarchy"—and who, by the by, had not done half as much as the Queen of Portugal—"and you shall not resist the sway of the Queen; you shall be in fact her slaves," astonished him. This might be the language of the King of the French; but he did not believe that France would continue to tolerate it. He thought it the most unwise step the King of the French had ever taken to secure the dynasty of Orleans on the throne, when he commanded his Minister to put his name to that protocol. If there were any feelings for constitutional liberty left in France, the people of that country would ask what would be their fate when the Monarch who could do this was able to encompass Paris with his fortifications, and to procure the noble Lord's intervention with his English fleet? He doubted whether the Government would be able to escape from this damning fact, that a Ministry calling themselves liberal, had proved themselves the friends to the most absolute principles in Portugal—that they had pandered to the prejudices and caprices of the Court, and put the liberty of the people of that country on one side. What had this country ever gained by these conventions? He held in his hand the six conventions to which this country had been a party since 1836—the Conventions respecting Greece, Spain, Central Asia, Syria, the Dardanelles, and the present protocol of May 21, 1847. What had either this or any of the other countries who had taken part in these conventions gained by them? But perhaps the noble Lord might ask him, what he would have done or proposed to do? He would answer in the language of the noble Lord's own agent, Mr. Bulwer, that the peace of the world was of too great consequence to warrant us in interfering in the internal affairs of Portugal. If he had been the Foreign Secretary, he would have said when these old women's stories came from Lisbon, and Count Thomar attempted to play the same game at Madrid that he had played in Lisbon, that as soon as the first Spanish soldier crossed the frontier of Portugal, Great Britain would march an army into Spain. If the noble Lord had only told the Spaniards they should smoke no cigars from the Havannah, they would not have been so eager for interference in the affairs of Portugal. What would be the result of Spanish intervention? There was a considerable party in Spain and Portugal favourable to the union of the two countries; and when the Portuguese saw that the intervention and protection of this country was a mere farce—that it was a mere shadow from which they derived no benefit, but which was merely used to keep a despot on the throne—they would probably join the party who were favourable to a union of the two countries. The Portuguese would say, "directly we assert our constitutional rights, the British Government take part against us." Was there no fear that, under such circumstances, they would fraternize with the party in Spain in the project he had mentioned? Indeed, he was told that such a conjuncture would most probably arrive, if a Spanish force made its appearance in Portugal. But the noble Lord might suppose he had succeeded in his policy. 3,000 men, who had fought for liberal principles, had been taken; the Queen of Portugal had sent to demand that they should be given up to her, and the fleet was probably already freighted which would take these prisoners to Angola. The noble Lord, therefore, no doubt assumed that the matter was settled. But how could he believe that the question was settled? The noble Lord knew that such was not the case. Let them turn to page 304 of the Papers, and read a letter from the Marquess of Normanby to Lord Palmerston, dated Paris, May 7, 1847. The noble Marquess said—

> "After having failed in two attempts to see M. Guizot, both yesterday and to-day, in consequence of the press of business he has had both in the Chamber and out of it, I have just returned from reading to him your Lordship's despatch to Sir Hamilton Seymour of the 4th of May, in conformity with the instructions conveyed to me in your Lordship's despatch of the 4th instant. M. Guizot said that he perfectly concurred in everything there stated; that he felt the same regret as I had already expressed that there should have been any necessity to press the Queen of Portugal on such a point as that which had been under discussion; but that he quite felt that such necessity had existed. His Excellency then informed me that he had just received a telegraphic despatch from Count Jarnac, announcing that your Lordship had received intelligence to the 28th ultimo, that the Queen had accepted the mediation of England in the terms it had been proposed. M. Guizot then asked whether I thought in such a country the settlement would be permanent; whether it might not all begin again in three months? I said that he had put to me a very difficult question, which I had no better means of answering than he had himself; that one's opinion could only be of the nature of an expectation, and that expectation could have no other foundation than one's hopes or one's fears. Much must of course depend upon the prudence of all parties, over none of whom could we pretend to exercise any permanent control."

The noble Marquess was very much puzzled to answer that question; perhaps the noble Lord could answer it now, and state what probability there was of a permanent settlement. He did not hesitate to say that Her Majesty's Ministers, in wishing to preserve the present dynasty of Portugal on the throne, had done more to unsettle the affection of the Portuguese people, and to strike a blow at royalty, not only in Europe, but throughout the civilized world, than any Ministry that ever took office under the Crown. It was well known that the power of England was not based on military force. The noble Lord now at the head of the Foreign Office, in his speech on the 1st of June, 1829, said, that England need send no army on the Continent, and that the power of Great Britain arose from her superior sympathy with constitutional liberty, and her horror of slavery. But, what was her conduct now in Europe? Would not every petty despot rejoice, and calculate on the assistance of England against his own subjects? Mr. Bulwer, in one of his despatches said, that the Spanish Court rejoiced in the prospect of British intervention in the affairs of Portugal, and in the anticipation that Portugal would have an absolute Queen, who would defy the people and their claims. There was something in the blue book respecting Angola, which showed the treacherous nature of the Portuguese Government. It was attempted on the part of the Minister for Foreign Affairs in that country to show that Angola was an uncommonly healthy country, and that there were the greatest number of applications for offices in Angola. But, although Don Manuel de Castro was able to convince Mr. Southern, the noble Lord (Lord Palmerston) knew more about Angola than his agent, and wrote to protest against the removal of the prisoners thither. The speech of the noble Lord in 1829, to which he had already referred, went directly contrary to every act which he had now adopted relative to Portugal. When speaking on this very subject of Portugal, and reading a lecture to the right hon. Gentleman the Member for Tamworth, the noble Lord said—

> "Those statesmen who seek to check improvement, to cherish abuses, to crush opinions, and to prohibit the human race from thinking, whatever may be the apparent power they wield, will find their weapon snap short in their hand when they most need its protection."

And the noble Lord went on to complain, that—

> "England, instead of being looked up to as the patron no less than the model of constitutional freedom, as the refuge from persecution, and the shield against oppression, had her name coupled by every tongue with everything on the Continent that is hostile to improvement and friendly to despotism, from the banks of the Tagus to the shores of the Bosphorus."

That was what the noble Lord (Lord Palmerston) said in 1829. What would he say now? Would he treat the House to a *rechauffée* of his speech of 1829, and maintain that, in his recent interference in Portugal, he had been defending constitutional liberty "from the banks of the Tagus to the shores of the Bosphorus?"

Lord J. RUSSELL: Sir, I was anxious that the earliest possible day should be given to the hon. Member for Montrose, that he might have an opportunity of bringing forward his resolution before the House concerning the course which Her Majesty's Government has pursued. But, Sir, after hearing his speech and that of the hon. Member who has just sat down, I own I am in doubt whether our natural anxiety to have this question brought before the House, and not to shrink from any accusation that might be made against us, has not brought on the House the inconvenience of Gentlemen preparing their opinions and speeches on the subject without reference to the facts on which they had to speak. Because, Sir, both the hon. Gentleman the Member for Montrose, and, more especially, the hon. Gentleman who has just sat down, spoke entirely from a reference to some papers which do not exist, and in total defiance of that which they might have read plainly in the papers before the House. The hon. Member for Wycombe has founded his speech and his censure entirely on the supposition that Her Majesty's Government have engaged in establishing an absolute Government in Portugal—that it was their view to maintain a despotism in that country; and he therefore broke out into declamations and invectives against a Ministry that could be guilty of such proceedings. But the simple fact is, that no such object has ever been held in view by Her Majesty's Government—that, on the contrary, of the proposition which my noble Friend made, first to the Queen of Portugal, and afterwards to the Junta of Oporto, the terms were, that all arbitrary decrees should cease—that everything done since the 6th of October should be revoked—that the Cortes should be called together, and the constitutional law of Portugal have full effect. And that simple observation destroys three-fourths of the speech of the hon. Gentleman. As to intervention, it appears, as I shall afterwards remark, that he certainly cannot blame us for interfering when he would himself have interfered in this manner, that he would have told the Crown of Spain that no Spanish forces should enter Portugal. Sir, what I have to contend in opposition to the hon. Gentleman who has made this speech is, that it was necessary to interfere, first, for the welfare of Portugal; and secondly, for the interests of this country. And further, I am ready to maintain that by that interference we have averted the danger of an European war. These three propositions, I think, can be proved from the papers which have been laid before the House, and from the events which have taken place within the last few weeks. Sir, I will not follow the hon. Gentleman who has just sat down on the subject of the previous Ministers of Portugal up to the time of the Cabrals. Their Ministry had been destroyed by a military revolution, similar to others that had taken place in the Peninsula. The Duke de Palmella was at the head of an Administration, when placards appeared and meetings were held, which gave great alarm to all the party which was then out of power, threatening the subversion of the constitution, and the destruction of the power of the monarchy. The Queen thought it necessary—being acted upon by these alarms, partaking of the fears thus entertained, and joining those who formed a considerable party in Portugal (Chartists)—thought it necessary to ask the Duke de Palmella whether he could save her from the dangers she apprehended; and he consented to continue Minister; but, not knowing what might occur in the next Cortes, she desired that he would resign, and at once formed another Ministry. So far there was nothing unconstitutional. There might be something imprudent in the conduct of the Queen; but, so far as the dismissal of the Ministry was concerned, that was an act of the sovereign power which any Sovereign in any country might have recourse to. Lord Howard de Walden, who was then at Lisbon, seems to have supposed at first that the nomination of the Marquess de Saldanha would be favourably received. He speaks of the Septembrists waiting on him, asking whether they were safe, and whether they could depend on the execution of the ordinary law of the country; and he thought that affairs would be conducted without tumult or revolution. But, in a few days after, a fear opposite to that which had excited the Crown of Portugal to the change of Ministry seems to have possessed the Count das Antas and the Septembrists. They formed the Junta of Oporto, and sent certain addresses to their Sovereign, in which they demanded that the new Ministry should be dismissed, and expressed their fears of what is called the Cabralista faction in Portugal. On their demands being refused, they placed themselves in arms against their Sovereign. I am not now to argue whether they were justified in their fears—whether what they apprehended would have taken place; but I am quite ready to admit that no sooner had the insurgents appeared in arms at Oporto, and in other places, than the restraints of the constitution were entirely thrown aside, and decrees the most arbitrary, and acts the most despotic, were countenanced and sanctioned by the Government of Lisbon. The hon. Member for Montrose went through a narrative of these various acts, as if they were acts which Her Majesty's Government were bound to defend, and of which they were to be the apologists. Why, Sir, they form a part of our case. It is to put an end to them, and to prevent the continuance of such an arbitrary and despotic system of Government in Portugal, that my noble Friend the Secretary for Foreign Affairs wrote the despatch of the 5th of April, in which he proposed terms to both the Queen and the Junta. Take the acts in succession as they arise. You will find that our Minister at Lisbon, and my noble Friend in London, disapproved of them one after the other, and remonstrated earnestly with the Government at Lisbon on the arbitrary character of those acts. Take one of them, the deportation of the prisoners who were taken at Torres Vedras—an act unjustifiable in itself, and extremely cruel to the persons who suffered. Unfortunately, the Crown of Portugal had placed itself in the hands of a party which seemed to have thought that the indulgence of their resentments should be a part of the policy of the State, and continued those acts in spite of every remonstrance. The hon. Gentleman the Member for Wycombe has said much in favour of Mr. Southern, and much against the conduct of the Queen of Portugal. I beg to read to the House the account Mr. Southern gives of his note on the subject of Torres Vedras:—

> "The note which I addressed to the Minister of Foreign Affairs on this subject, and which is enclosed in my despatch of the 30th of January, was delivered to Don Manoel de Portugal at eleven o'clock in the morning of the 29th ultimo; and I find it has been the subject of repeated deliberations of the Cabinet. I am happy to think that the benevolent feelings of their Majesties induced

> them to support the views I had thought it my duty to lay before the Foreign Minister; but the opinion of the Cabinet, to which some extraneous persons were admitted, finally prevailed, on being backed by a threat of immediate resignation on the part of the Ministry."

And so it was with respect to every act that was then adopted. When my noble Friend wrote to propose that terms of mediation should be offered to the Junta, the Marquess de Saldanha said in a similar way that he would resign the command of the army, and retire into private life, if that course was adopted. In this country, we consider that those who advise the Sovereign are responsible for the acts of the Crown. I think it was an unfortunate thing that the Queen should have put herself into the hands of the party who have governed Portugal for several months; but I think it is too much for the hon. Member for Wycombe to lay the blame on the Sovereign principally, and not to consider that the party which had the Ministry in its hands, and imposed law on the Queen, both as to the government and the direction of the army, is also responsible. It appeared to us that the only thing we could do was to advise that such acts of violence should be discontinued, and that such terms should be offered to the Junta as they would be able to accept consistently with the maintenance of the liberties of Portugal. That course was accordingly taken by us; but, I am sorry to say, without effect. On the other hand, the Junta of Oporto become less and less a body representing persons alarmed at the loss of their liberties, and only asking protection for their liberties from the Throne, to which they were determined to continue always loyal. I have already quoted Mr. Southern, who is certainly a most able man, and whose despatches do him the highest credit, and I will again quote from him a description of the change which took place in the state of parties in Portugal. Mr. Southern says, in a despatch dated January 19, 1847—

> "It becomes daily better ascertained that the intelligence entered into between the liberal insurgents and the Royalists amounts to co-operation, with the common object of overturning the Queen and the Government. At the same time there is still more reason for believing that the restoration of Don Miguel is not an event contemplated by the party who took arms against the Government appointed under the *coup d'état* of the 6th of October.
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> "This connexion, such as it is, however, has caused the most serious alarm in Lisbon, not merely to the adherents of the Government, but likewise to the constitutional and chartist statesmen, of whom there are some under persecution—some in concealment—some tolerated in public—who sympathize to a certain extent with the cause of the insurgents; but while they condemn the conduct of the Government, disapprove, or at least take no part in the appeal to arms made by the Count das Antas and his companions.
>
> "The first class, the adherents to the Government, dread the great additional strength which the insurgents will acquire by the coalition, and the increased sources of resistance to the Government, of every kind, which will be opened by an address to the prejudices and bigotry of the mass of the people. The second class, the constitutional public men, who have taken no part in the insurrection, tremble before the probable ultimate consequences of this coalition. Scarcely any of them doubt that such an union, if fully carried out, will be fatal to the Queen's throne; and they see in this connexion the dishonour, and the consequent feebleness and degradation, of the party which forms so discreditable an alliance. They foresee that in the day of triumph an overwhelming force, both moral and physical, will be vested in the leaders of the Royalists, who will make the natural use of it by asserting their own principles and carrying out their own measures, the first victims of which will be the men who, at the sacrifice of their political honour, called in an aid of so treacherous and so disgraceful a character."

Such is the description given by Mr. Southern of the party assembled at Oporto—of the Junta of Oporto, and those who obeyed it. The Miguelites, who, according to an existing convention, could not hold certain military rank, obtained that rank from the Junta of Oporto, acted with that body, commanded their troops, and, according to the opinion of Mr. Southern, would ultimately have had the advantage by that coalition. The country, therefore, was evidently divided between three parties: first, that which immediately adhered to the Queen, and governed in her name; secondly, the party of the Junta, formed of men some of whom were of violent democratic principles, and who professed to have taken up arms in defence of their liberties, although, in fact, they had done so before their liberties had been menaced; and the third was the Miguelite party, who were very numerous in Portugal, and, when joined to the party of the Junta, added enormously to their forces. Still, the superiority of Marshal Saldanha in the field was unquestionable. He had gained a victory at Torres Vedras, and proceeded to besiege Oporto. Things went on in this state, and neither party appeared likely to prove victorious. In the meantime Portugal was disturbed to its centre. Her commerce languished—her fields were untilled—dangers arose on every side—the whole country was divided among soldiery who were destroying the peasantry—and every account which proceeded from men of moderate opinions deplored the continuance of such a system. Now, I say that, in these circumstances, we were justified in thinking that if the civil war could be brought to a termination which would secure a constitutional government to the country—which would give an act of oblivion to all who had taken part in one side or the other—which would have procured the recall of the persons sent to Angola—and would have provided for the immediate convocation of the Cortes—an immense boon would thereby be conferred upon Portugal. And such, in fact, was the proposition which my noble Friend made to the contending parties in his despatch of the 5th of April. In that despatch my noble Friend said, in substance—

> "This is not a case which comes within the terms or spirit of the Quadruple Alliance, because Don Miguel is not in the field; but the evils which afflict Portugal are of so serious a character, that we feel it necessary to offer to mediate between the contending parties upon terms of fairness; which we hope will be accepted."

The terms were offered to the Queen, who immediately assembled her Council to consider them. Although Her Majesty's Council was not an ordinary Cabinet, they thought the terms proposed were so degrading to the Queen, and so advantageous to the Junta, into whose hands they believed they were certain to place power, that they advised their Sovereign to ask for additional terms, involving the banishment of the leaders of the insurrection. Sir H. Seymour, who has been represented, most unjustly, as willing to do anything which the Court of Portugal proposed, but who acted with the greatest ability throughout these transactions, and with as much honesty and firmness as ability, immediately declared that he could not accept the proposed addition to the terms—that the persons pointed out must all receive the benefit of the general amnesty—and that if, on the meeting of the Cortes, the leaders of the insurrection should prove to be in a majority, power must be placed in their hands—that we would not interfere to prevent that consequence—that we would not enforce the terms which required that those persons should be sent out of the country—and that our interference was at an end if that condition was insisted on. Sir H. Seymour wrote to this country an account of what he had done, and the Cabinet approved of it. We thought that the terms originally proposed were fair to all parties, and were calculated to settle the country on a constitutional basis, and we would not depart from them. Before our answer reached Sir H. Seymour, the Queen had accepted the terms offered to her. She also received the resignation of her Ministers, and replaced them by an Administration of a moderate character. Therefore, one of the securities which we desired to obtain for Portugal, namely, the nomination of a Ministry which had had no share in the acts of arbitrary and violent government that had occurred, was gained. Our proposition to the Queen was, that if she would consent to be bound by our terms—if she would call the Cortes—if she would revoke all her arbitrary decrees—if she would recall the persons who had been banished—then the British Government, in connexion with its allies, would employ force in order to compel the Junta to submit to those terms. Then the question comes, were we justified in so doing? I will not weary the House by quoting numerous despatches in those papers; but I think they contain evidence which shows that so miserable was the condition of Portugal, our ancient ally, with whom we have long maintained the most intimate relations of commerce and the closest brotherhood in arms, as to justify us in imposing such terms upon the contending parties, if the happiness and freedom of Portugal could thereby be established. But there was another question which we felt ourselves bound to consider, and that was what were the interests of England in the matter? We were bound to consider how the interests of England would be affected by the adoption of the course which we have taken, and how they would be affected by our refusing to adopt it. And, looking at the subject in this point of view, let me remind the House both of our ancient relations with Portugal, and of the manner in which, during the various difficulties and dangers of this country, Portugal has been our ally. Since the commencement of the last century, I think there have not been less than four wars, in which the greater part of Spain joined with France, then at war with this country, whilst Portugal maintained her alliance with England. At the end of the seven years' war, Spain joined in the confederacy against England, but Portugal remained firm in her alliance with us. At the end of the American war, Spain united with France against us, and the combined

Spanish and French fleets swept the Channel triumphantly. Then again, during the French revolutionary war, although nothing seemed more unnatural than the union of the Bourbons of Spain with the French republic, yet, in a short time, the Spanish Bourbons did enter into that alliance, and became parties to the general war against Great Britain; but the alliance of Portugal, her friendship for this country, could not be shaken, and she remained faithful to England throughout that long and perilous war, and England derived great support from that alliance. But in the present question, what was the condition of Portugal as compared to Spain? Any one who will look through these papers will see, not only what was the state of Portugal, but what was the wish, and what, I must confess I think, was the natural policy of the Spanish Government. The Portuguese nation was divided between three parties: on one side there was Marshal Saldanha, at the head of a victorious army; and the Junta, and the Miguelites with a great body of troops on the other. The Spanish Government from the first saw in this revolution a danger to the throne of Donna Maria, and, in the danger to the throne of Donna Maria, danger to the throne of the Queen of Spain. Very early in the civil war, before Saldanha applied to the Spanish Government for assistance, Mr. Bulwer had to report—which he does on various occasions from November to April—that the Spanish Government had informed him they were disposed to interfere—that it would become a matter of necessity for the Spanish Government to interfere in the contest going on in Portugal. Neither can it well be doubted, that if a Spanish army had joined one of these two parties, then nearly equally balanced, Marshal Saldanha by that junction would have had much the best side in the contest. In all probability he would have triumphed with the forces of Lisbon over the forces of Oporto; and, as the result of that victory, the Spanish and Portuguese Governments would have done as they thought fit. And what would those Governments have done? because that is an important question for the House to consider. They would hardly have insisted on the immediate calling of the Cortes; but they would have insisted on the immediate banishment of the leaders of the Junta; they would probably have permitted that Ministry, which fell because we objected to its acts, to continue, and then indeed the liberties of Portugal would have been prostrated. They would have been prostrated likewise with all the irritation which hon. Gentlemen seemed to dread so much, rendered ten times worse by the interference being that of a Spanish army alone. Spain would have interfered with all the consequences of ill-will and national dislike that must follow any intervention made ten times worse from the interference coming from a Spanish army alone. But let me ask, first, what was the answer given to Mr. Bulwer by different Spanish Ministers—the Duke de Sotomayor and M. Pacheco? and let me observe, it is far from true that the Spanish Government, though disposed at first to interfere, gave up the intention at last. On the contrary, M. Pacheco used stronger language on the subject than the Duke de Sotomayor. He said he could not allow the throne of Donna Maria to be overturned, and that if any sudden emergency should arise, a Spanish army would be sent into Portugal, in spite of the declarations of England on the subject. Such being the statements of the Spanish Government, Mr. Bulwer answered in return, that the English Government expected and required the Spanish Government would not interfere without consulting with England: that answer was repeated over and over again. He said there could not be an interference with Portugal, without so strong a case as to overbear all scruples against it; but in that case England would be ready to concert with Spain what kind of interference it should be, how far it should be carried, and what should be the objects of it. That was the language employed; because, if Mr. Bulwer had said, do not interfere without the consent of England, and it had been the determination of England that in no case should an interference take place, that would have been deceitful conduct. Mr. Bulwer would have been guilty of treachery towards the Spanish Government, and would not have acted with that good faith with which, I trust, the English Government will always act towards all other nations. Mr. Bulwer said, we require you to wait until England is prepared to act. On the 5th of April my noble Friend wrote the despatch that has been alluded to, saying, if the terms proposed should be agreed to, England was prepared to carry them into effect by force. On the same day M. Pacheco wrote a note from Madrid, saying, the Spanish Government found it necessary so to interfere. He said—

> "Her Majesty's Government, entirely foreign to the motives which may have originated so lamentable a situation, is now obliged to prevent its fatal consequences, and judges that the moment has arrived to employ for that purpose whatever measures may be in its power, not excepting armed intervention, so often asked for, and even recently with the greatest urgency, by the Court of Lisbon. But before having recourse to an extremity which is so repugnant to it, Her Majesty's Government is willing to employ conciliatory measures, and hastens therefore to seize the idea given by the Duke of Saldanha, to mediate between Her Most Faithful Majesty and the insurgents, in order to arrive at an arrangement which, without infringing the rights or the prerogatives of the Crown, may be acceptable to those who are enlisted under the banners of the Junta of Oporto. The project pointed out by the Marshal, of which you have probably heard, may serve, in the opinion of Her Majesty's Government, as a basis for the conditions to be drawn up, and to accelerate as far as possible the conclusion of the negotiations. Her Majesty's Government has determined to send immediately a new Minister Plenipotentiary to Portugal, with the special mission of carrying out that idea. Nevertheless, as it would not be surprising that this mediation may not produce the desired result, this Minister Plenipotentiary will also be duly authorized to negotiate in Lisbon respecting the possible intervention of our arms; neither ought I to conceal from you, that, although the Spanish Government will be delighted, that in this negotiation the representatives of the Allied Courts, accredited at that of Her Most Faithful Majesty, and who signed the treaty of the Quadruple Alliance, should take part, yet this will not hinder, should it by any event not be possible for the Four Powers to agree and act upon a common and thorough understanding, should a case of urgent necessity occur, that the indispensable remedy would be applied, particularly endeavouring to do so in accordance with Great Britain, and to carry out the intervention in the manner and on the basis which might be determined on between the two Governments. I must, however, state to you that, in the event of a sudden crisis, during which the throne of Donna Maria da Gloria might be overthrown, the Spanish Government could not possibly consent to such a catastrophe, and would act alone, and of its own accord."

That was the determination of the Spanish Government if England longer delayed; if we had not proposed to interfere at that time, such was the positive and ultimate determination of the Spanish Government if any crisis arose. The hon. Member for Wycombe (Mr. B. Osborne), who spoke against our interference—an interference which, I trust, will speedily lead to the desirable result of establishing tranquillity in Portugal—says, "By no means interfere, but threaten Spain with war if she acts contrary to your wishes." That, I understand, is the opinion of other hon. Gentlemen also; and, as far as I can gather, is the sentiment of the peaceful Member for Montrose, who makes the Motion. That is, the opinion that we ought to threaten Spain with hostilities in case she should interfere to put down this insurrection in Portugal. We have got to this alternative. It is quite evident with regard to Spain we must have taken one alternative or the other. We must either have said, we will not interfere at all, and leave it to Spain, thereby exposing Portugal to all the evils I have mentioned; or we will threaten Spain with war in case she interferes by arms in that country, as she had positively declared she would do. Now, let the House consider what the situation is. We are to threaten with war a friendly Power with whom we are at peace. Queen Isabella reigns by a title similar to that of Donna Maria; had the Portuguese Junta succeeded in overturning the throne of Donna Maria, the Spanish Government naturally supposed Don Miguel would have been raised in her place. It was felt, too, if Don Miguel reigned in Portugal, the power of the Carlists in Spain would be strengthened; and Spain could not and would not permit such a revolution in the Government of Portugal. I think the fears of the Spanish Government might be exaggerated; I believe the idea that Miguel was to succeed, if the Junta triumphed at Lisbon, was an exaggerated sentiment. I do not think it was meant to be; but if the Spanish Government stated, the existence of the dynasty of our Queen depends on our interference in Portugal, we should have had no case that would in justice have enabled us to say, we will appeal to arms to prevent such interference. If the Government of Spain took measures for its security, let us for a moment look at the probable consequences. If we took part against the Spanish Government, I suppose the House will readily assent to this proposition, that we must have joined and connected ourselves with the Junta of Oporto—that we must in that case have fought against the throne of Donna Maria, and against the interests of the House of Braganza—that thus the intimate alliance of centuries would be set at nought and violated, and that authority overturned which we ought to wish to see maintained in splendour and security. Let us consider the nature of that cause in which we must have been about to engage, if we took our part against the throne of Portugal. Should we then have united ourselves with the leaders of the Junta? By no means. The Count das Antas and the other leaders of the Junta had at that time lost all their authority. They had ceased then to exercise any influence over their followers; those amongst the leaders who ventured to remonstrate were not even listened to, and all moderate men ceased to belong to a party which, if it succeeded, would plunge the country in anarchy and murder, and blood would soon flow in the streets of Lisbon. One Portuguese gentleman had very truly said—

> "It is not a republic that they would establish. I should thank God to see a republic erected, or even a hope of it; but, if that party obtained ascendancy, the mob would be in possession of every town, the soldiers would be no longer under the control of their proper leaders—there would, in such a state of things, be no organized Government in Portugal."

Then I will ask this House how could the Government of England undertake to defend that condition of anarchy against the legitimate powers of Portugal and Spain? We should now be surrounded with immense difficulties if we had taken such a course; and how exceedingly would those difficulties have been aggravated if the interference of Spain had in the case I am supposing been successful? If Spain had so interfered, she would have had with her, if not the active assistance, at least the cordial good wishes of France. The Minister of France distinctly stated that this case had been provided for by the Quadruple Alliance; and I apprehend there can be no doubt that the Government of France must have wished well to Spain in the course and progress of such an undertaking as the interference to which I have referred. If, then, Spain were to establish her supremacy in Portugal, is this House prepared for the probable results? Are you prepared for this—that our ancient alliance with Portugal shall give place to Spanish supremacy in that part of the Peninsula? I say that I should shrink altogether from asserting our influence in Portugal by joining a party so thoroughly unable to govern that country, or to form anything like a stable Government. The thought of a course so evidently against the interests of England, could not for a moment be entertained. This point we all felt deeply. I felt that after our long connexion with Portugal, I should be sorry to belong to a Government in England which, when called upon to interfere at a time like that to which I am referring, at a time too when we possessed the power to dictate the terms on which we should interfere—I say I should have been sorry if we had shrunk from giving to Portugal that assistance which we were bound by treaties to afford. I should have been sorry to have taken any part in so for ever dissolving our connexion with the Government of Portugal. There is nothing which I more fully believe than that the safety of England is founded upon her alliances. I believe that we have no security for the prevention of war unless the balance of power in Europe be preserved. Unless we stand by our ancient alliances, we shall soon be obliged to accept disadvantageous terms of peace, or else be prepared to equip a large army and send out a large fleet in order to preserve our independence. In saying this, I speak the language of those who have largely enjoyed the confidence of the English people. A great man, and a most distinguished Minister, has, before now, held the same language; and no instance of a similar kind has arisen without a similar interference having been resorted to not only in Portugal but in other parts of the continent of Europe. In the year 1786 the democratic party in the Netherlands gained possession of the government; that democratic party was then supported by France; the power of the Prince of Orange was altogether subverted; the whole force of the Government was in the hands of the party that had rebelled. England eventually interfered; but the circumstances arose thus: The Princess of Orange passing along the streets in her carriage, was insulted by the mob. The King of Prussia immediately marched an army to the support of the Stadtholder, and restored the authority of the Government and the tranquillity of the country. England instantly threatened that if France interfered to disturb the settlement that Prussia had effected, she would take an active part in the dispute. There was in this case, as the hon. Member for Montrose would say, a great people who had established a government for themselves. Now, that hon. Member would contend that such interference as I have been now describing was clearly against the principles upon which England had always proceeded. But yet the course pursued on this occasion was one which Mr. Pitt advised; and every one knows that up to that time, at least, no Minister could be more favourable to peace than he had uniformly shown himself to be; and let it not be forgotten that he had a short time previously to that event concluded a treaty of commerce with Holland. All this occurred when Parliament was not sitting. At the commencement of the then next ensuing Session, the Minister advised the King to state all the circumstances in his speech from the Throne; and Mr. Fox, on the 27th of November, 1787, used the following words:—

> "He took the beginning of the Address, containing an avowal that the situation of affairs in the Republic of the United Provinces seemed likely, in its consequences, to affect the security and interest of the British dominions, and that His Majesty had acted with success upon that circumstance, to be the essential substance of the Address, and to that he gave his full assent."

So much for the authority of both Pitt and Fox, both agreeing as to the necessity, the expediency, and the justice of interference, not only against a body of insurgents, but against men who had actually established a government of their own, having previously overturned that of the Stadtholder. In conformity with that and other precedents, we interfered in the concerns of Portugal, and we interfered as it appeared to us, in the manner most in conformity with the interests of Portugal. But we had a right also to consider the interest and the security of England—we were bound to look at the old alliance which we enjoyed with, and the ancient influence which we possessed in, Portugal. As to the manner in which this interference is to be carried into effect, I say that the whole point made upon this subject falls to the ground, if I show that the interference has not been made upon the principles of the Holy Alliance; that it is not for the maintenance of despotism, but for the re-establishment of the constitutional charter of Don Pedro, the authority of the Cortes, and the protection of constitutional liberty. The Count das Antas himself admitted that the terms offered to the Junta were unexceptionable; and they had been told from the beginning by Sir H. Seymour and by Colonel Wylde that England would interfere if these terms were not accepted. They appeared at the time to have received advices of the failure of the negotiation. But another circumstance was, that the leaders of the Junta did not dare to disobey their followers, who, as already stated, had combined their movements; and they dreaded a danger, not only to their authority, but actual danger to their persons, if they should agree to the terms which had been proposed. Such, I believe, were the reasons why those terms were not accepted in the first instance. Sir H. Seymour, seeing the state of affairs, seeing the urgency of the occasion, informed by the despatch of the 5th of April that England intended to concert measures of interference by arms, took it upon himself to desire Sir W. Parker to send ships to Oporto. Notice had already been given, and a further letter was written, informing the Junta that their hostile proceedings could no longer be carried on. The Conde das Antas had embarked upwards of 3,000 men, I think, on board his vessels, and was about to proceed to the south, to inflict, as he said, a fatal blow on the Queen's Government at Lisbon. Sir T. Maitland, who was chief officer there, having received these orders, sent an officer on board one of the steamers commanded by Captain Salter, to inform him that if he proceeded to sea with the steamers they would be captured by Her Majesty's ships, which had been ordered to Oporto for that purpose. The knowledge that this message was given to Mr. Salter, induced the Junta to break off their proposition for an armistice; but it is true that although this full notice was given, there was another letter, which was not delivered at that time; and this has given rise to the notion that the Junta had not received the notice that hostilities would commence. In fact, however, they had received, first, a notice from Sir H. Seymour—next, a notice from Colonel Wylde—next, they were informed of the expedition sent with the *America* for that very purpose. There only remained that one last letter, which they had not received; but I really think the Conde das Antas and those who were with him must have been well aware what was likely to take place. Sir T. Maitland, seeing the men were embarked, and that they had come outside the bar, then thought it necessary to carry his instructions into effect. He informed the officers commanding those ships that they must surrender to him—that he could not permit them to proceed to the south, nor to re-enter Oporto. On that intimation they, without any resistance, surrendered to Sir J. Maitland, the Count das Antas only declaring that he and his troops surrendered as prisoners of war to the British forces; and they desired to be kept in the custody of the British troops, and not to be delivered up to their own Government. These terms have been faithfully adhered to, as might have been expected from the character of British officers—from the character of Sir W. Parker and Sir T. Maitland. Those men have been placed in the castle of St. Jullien's under a guard of British marines. There they are kept as prisoners of war, as they surrendered. The consequence of this must be—and I expect will very shortly be from all I have heard—that both the Junta at Oporto and Sa da Bandeira, who is in command of the forces of the Junta at St. Ubes, will accept the terms originally proposed by Her Majesty's Government; that they will accept the terms by which all political offences committed since the commencement of the war will be passed over; and that the constitution will be re-established. So far, therefore, from establishing a despotism, what we have done is to put an end to despotism; to put an end to that despotism which existed at Lisbon; to put an end to the irregular and violent authority which was substituted at Oporto; to interfere for the welfare of the people of Portugal; and, as I have said, lastly, for the purposes of European peace. Let us, in the last place, consider what would have been the danger if we had taken that course which is now recommended to us—if we had been ready to declare that Spain should not interfere—that a *casus belli* would occur if she did—that we would be prepared with perfect tranquillity to see the throne of Donna Maria overturned—that we would be prepared to see the family of Braganza sent into exile—but that we would not allow Spanish soldiers to cross the frontiers? I speak with the most entire conviction, when I say that such a determination of the Government of this country would have been eminently hazardous to the peace of Europe. For let us consider—I think it is impossible not to consider—that, with regard to all these questions of political constitution—with regard to all those changes in the internal constitutions of States, we are not now in a state very different from that in which Europe was placed during the wars that succeeded the Reformation. At that period it was not nation against nation, but the French Protestants sympathizing with the Government of England, and English Catholics sympathizing with the Government of Spain; so all over Europe there were divisions of religion by which men were bound together, and States interfered and contended in arms for the sake of promoting that religion to which the main forces of the State and a majority of the people belonged. Queen Elizabeth, interfering in the Netherlands to promote the insurrection against the Spanish Catholic power, and Philip II. doing his utmost to raise a rebellion in England against the Protestant Queen—such was the state of Europe during the time of the Reformation. And, in this time, in the question of political constitution, I think it must be evident to those who have carefully watched the progress of events, that Governments are not indifferent, and will not be indifferent, to the name of the dynasty and the form of the constitution which are established in neighbouring nations. Those who have seen the numerous cases of interference which have taken place in the last twenty years will have come to this conclusion. In 1827 there was an interference between Turkey and Greece, the Sultan not being allowed to use his own forces against those who had revolted. What, again, was the case, in 1831, with respect to Belgium? Some hon. Gentleman—I believe the hon. Member for Montrose (Mr. Hume)—said that in Belgium we had not interfered. Why, what was the question? Belgium, Belgian people, revolted against their Sovereign, who, by the Treaty of Vienna, by all the oaths which they had taken, had a full right to their allegiance. The Prince of Orange marched with an army to subdue those in insurrection. What happened? Why, in the first place, when the Duke of Wellington was Prime Minister, when the Earl of Aberdeen was Foreign Secretary, there were protocols establishing on the part of England and France an armistice in that country; and, in the next place, at a later period, when the Prince of Orange was marching against the Belgians, and expected to gain a victory over their forces, which were more newly levied than his own, the English Ambassador, Sir R. Adair, stopped the Prince of Orange in his march, and told him he must proceed no further. Was not that interference? Was not that an instance—an interference for the welfare, for the security of Belgium—for the establishment of a free constitution in Belgium, separate from Holland, and for maintaining the peace of Europe? Was not that a signal case of interference in the internal affairs of another nation? And so, likewise, in a subsequent case, with regard to the very case of Portugal, as the hon. Gentleman to-night has complained of our interference against the beneficent Government of Don Miguel: he usurped the Throne of Portugal, and endeavoured, by the most cruel means, to uphold himself in that position. Undoubtedly there was an interference on that occasion, and Don Pedro and Donna Maria were established in their rights by the aid of England, France, and Spain, who united together to ward off dangers from that Throne. Don Carlos was driven out of Portugal, in the first instance, and subsequently driven out of Spain. Was it entirely by Spanish forces? Was it by the means of Spain? No; by British ships—by British marines — especially at that siege of Bilboa adverted to to-night. By that interference the Throne of that country was maintained. I will not argue the policy of those different cases of interference. What I am showing now is, that this country has interfered—that there is nothing new in this principle—and that we have interfered, not as did the Holy Alliance, to establish despotism in any of those instances, but to establish a limited monarchy with representative assemblies, thereby securing the freedom of the people who were to live under them. Sir, I trust in this case our interference will have a similar result. The hon. Gentleman who made this Motion, in speaking against interference, said that our Government was founded on the principle of non-interference; and he quoted a most excellent illustration of that—the Revolution of 1688. That, he said, was a proof that the people of England had asserted their rights without the interference of any foreign Power. We have had very excellent laws and great freedom from that revolution. No one respects that system and those feelings by which the House of Hanover was placed upon the Throne more than I do; but with respect to those two cases, I cannot vindicate this country for having called for and accepted, and succeeded by the means of foreign interference. I hold in my hand rather a long extract; but I will trouble the House with only a small part of it, from the famous invitation addressed to the Prince of Orange, then a foreign prince, a citizen of a foreign State, signed by Lord Shrewsbury, Lord Devonshire, Lord Lumley, the Bishop of London, Admiral Russell, and Mr. Sidney, names all famous in history; and what do they say? Do they say "The people of England are prepared to rise, and we will force James from the throne, and then we invite you to come over and be our king?" Far from it. They say the people will not rise unless some foreign force comes over to countenance that rising; they therefore beg the Prince of Orange to come with a foreign force, to come with some Dutch troops, to enable the English to establish what Government they please in their own way; to assist them in that particular, and to enable them to rise; and that constitutional exhortation, so far from being confined to questions of personal liberty, or a representative constitution, or the rights of the subject and the Habeas Corpus Act, concludes thus:—

> "We need not say anything about ammunition, artillery, mortar pieces, spare arms, &c.; because, if you think fit to put anything in execution, you will provide enough of these kinds, and will take care to bring some good engineers with you."

That was the exhortation which those excellent patriots, famous in all history, addressed to the Prince of Orange, when they invited him to come over to this country; and then the hon. Gentleman quotes that as an instance of this country having established liberty without foreign interference, and says that the whole constitution would be lost if a foreigner was seen in arms countenancing a revolution in England. I think the hon. Gentleman has not considered with care these precedents of interference which have occurred in our own history. When we wished to establish that House on the Throne, we were not satisfied with inviting the Prince of Orange to come over and take possession of the Throne; but we made another Treaty with Holland, that if the throne of the King we proposed to establish should be in danger, 6,000 Dutch troops should be in readiness to come over and maintain that Throne, and those troops were sent. And when, in 1723, our Government endeavoured to form another treaty to have troops sent over on a similar occasion, the Dutch complained that we had kept their troops so long on a former occasion; and they hesitated about sending us the aid we asked from them. Therefore both those occasions, the Revolution of 1688 and the establishment of the House of Hanover on the Throne, were cases in which foreign interference was permitted, and in which foreign interference was, I may say, invited, by those who were the second founders of the constitution. I admit that those cases of interference should not be adopted as a rule—that they should be an exception to the general policy of nations; and therefore it is, that with respect to this particular instance we have been slow to listen either to the representations of the

Ministers of the Queen of Portugal, or to the representations of Spain; that we ought sooner to have interfered. We wished, if possible, that the civil war should cease by the offer of fair terms on the part of the Queen's Government, and by the acceptance of those terms on the part of the Junta; but neither party having been willing to listen to a compromise—seeing Portugal in the dreadful state to which it was reduced—seeing that if we did not interfere we should only prolong that misery; that if we allowed Spain to interfere alone or with the assistance of France, we should inflict another kind of misery on Portugal, and injure our own alliance with that country—seeing that at last it came to be a question whether we would maintain that ancient alliance—whether we should attempt to remedy the disorders of Portugal—we at last agreed to this interference. Gentlemen ask what kind of guarantee we can give that these terms will be maintained? I think we have given to the Junta the faith of the Queen of Portugal as a pledge to her Allies; the only security, let me say, that there is for any treaty or convention, or any act between nations. The Portuguese Government has pledged itself to the Governments of England, France, and Spain, that the terms originally proposed by us shall be carried into effect. That Government is bound to us, not only by good faith, but by its own interests, to see those terms carried into effect. It will not, in fact, have the means of doing otherwise; and by doing so, its powers will be strengthened, the nation pacified, and the people who are in arms, once having laid them down, it would be the interest of all that they should endeavour to carry out the maxims of a representative constitution, and to procure a cessation of those wretched dissensions which have so long torn Portugal, and which have destroyed her agriculture, her peace, and her prosperity. My belief is, that by the acts we have signed—by the instructions we have given—we have acted in a manner that is conducive to that end; and, at all events, I shall have the satisfaction of reflecting that I do not belong to a Government which has abandoned an alliance with which England has kept in good faith for two centuries, and which, I trust, she will maintain for centuries to come.

Debate adjourned.

House adjourned at a quarter past Twelve.

HOUSE OF LORDS,

Monday, June 14, 1847.

MINUTES.] PUBLIC BILLS.—1ª British American Land Company; Van Diemen's Land Company.

2ª Trinity Collage (Scotland) Incorporation and Estate; Burgh Police (Scotland); Juvenile Offenders; Trust Money Investment (Ireland).

Reported.—Naval Mutiny; Loan Discount.

PETITIONS PRESENTED. By Lord Beaumont, from Justices of the Peace for the West Riding of the County of York, in favour of the Juvenile Offenders Bill.

POST OFFICE REVENUE.

The EARL of ELLENBOROUGH moved the appointment of a Select Committe on the Post Office Revenue, and in doing so observed that more than three months ago, upon his Motion, their Lordships ordered various returns relative to the Post Office. The order for those returns was dated the 12th of March, and they were not ready so as to be printed until the 1st of June; but notwithstanding so large a portion of time had been devoted by the Post Office to their preparation, they had been presented in a very unsatisfactory state. Not being practically acquainted with the Post Office, he had not, perhaps, framed the order for those returns in the best possible manner; but, at the same time, he had hoped that the returns which he moved for would have shown the total receipts and the total charge. In the case of a department of the public revenue, where the gross receipts were more than two millions sterling, it was a matter of very great importance that they should know how much of that was at the disposal of the Government for the general purposes of the State. Having remarked that he understood there was no intention on the part of the Government to oppose his Motion, the noble Earl proceeded to read extracts from the returns from which it would appear that in several of the departments of the Post Office there were deficits of revenue as compared with expenditure, and added that he believed the result of an inquiry would go to establish the fact that there had been the greatest extravagance in the formation of some of the contracts, particularly those for the conveyance of letters to the East and West Indies. He made this statement for the purpose of laying a Parliamentary ground for his Motion. The noble Earl then moved for a Committee.

The MARQUESS of CLANRICARDE said the Government had no objection to the appointment of the Committee moved for by the noble Earl. He could assure the noble Earl that there was nothing in the accounts of the Post Office which the authorities were desirous of concealing; and the officers had endeavoured to make the returns to the Order of the House as correctly as possible.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Monday, June 14, 1846.

MINUTES.] PUBLIC BILLS.—1° Corn, &c. Importation.

2° Threatening Letters, &c.; Tithes Commutation; Joint Stock Companies; Representative Peers (Scotland).

Reported.—Savings Banks Annuities; Port Natal Collection of Duties.

3° and passed:—British American Land Company; Van Diemen's Land Company; Baths and Washhouses.

PETITIONS PRESENTED. By Mr. T. Duncombe, from Inhabitants of the Metropolis, for Alteration of the Law of Registration of Voters.—By Mr. Buck, from Members of the Committee of the West of England Protestant Alliance, for Repeal of the Roman Catholic Relief Act.—By Mr. Ferrand, from Leeds and Huddersfield, and by Mr. Mackinnon, from Dewsbury, for Inquiry respecting the Anatomy Act.—By Mr. Wilshere, from Great Yarmouth, for Regulating the Qualification of Chemists and Druggists.—By Mr. Hutt and other hon. Members, from Catholics of several places, for Alteration of the proposed Plan of Education.—By several hon. Members, from a great many places, in favour, and for Alteration, of the Health of Towns Bill.—By Mr. P. Miles and other hon. Members, from several places, in favour of the Medical Registration and Medical Law Amendment Bill.—By Mr. Ferrand, from Guardians of the Poor of the Wakefield Union, for Alteration of the Poor Law.—By Sir R. Ferguson, from Guardians of the Londonderry Union, for Alteration of the Poor Law (Ireland).—By Viscount Duncan, from Inhabitants of Bath, against Intervention in Portugal.—By Mr. J. H. Vivian, from Swansea, for the Suppression of Promiscuous Intercourse.

COLONISATION—ANSWER TO ADDRESS.

LORD M. HILL appeared at the bar and stated, that in compliance with the desire of the House he had that day waited upon Her Majesty, in order to present the Address which the House had voted to Her Majesty on the subject of Colonisation; to which the Queen had been pleased to return the following most gracious Answer:—

"I have taken into My consideration the Address of My faithful Commons. I am deeply sensible of the advantage which may be derived from the adoption of further measures for the promotion of Colonisation, and I will direct such inquiries to be made as may enable Parliament to adopt a course free from those evils which any precipitate legislation on this subject might cause both to the emigrants and to the colonies."

Her Majesty's Answer was ordered to be entered in the Journals.

NAVIGATION LAWS.

LORD J. RUSSELL moved the Order of the Day for the House resolving itself into a Committee on the Navigation Laws; as it was only a preliminary step to introducing the Suspension Bill, he hoped there would be no objection to it.

MR. BANKES wished to know on what stage of the measure opposition could be offered to it with the same advantage as at present. The noble Lord the Member for Lynn took great interest in the question, and would have been present had he been aware the measure would have been brought on that afternoon.

LORD J. RUSSELL said, if the noble Lord wished to oppose this stage of the Bill, the Government would not insist on taking it; but the discussion could be as well taken on the second reading or on going into Committee.

QUARANTINE.

DR. BOWRING, having understood that some important changes had been made in the quarantine regulations, wished to ask what were the modifications that had been introduced?

MR. M. GIBSON said, the modifications amounted to this—that ships with clean bills of health were now admitted to immediate pratique, from whatever part of the world they came, and with whatever cargo they were laden.

House in Committee on the Navigation Acts.

Resolution for bringing in a Bill suspending the Navigation Laws with respect to vessels importing grain from foreign countries then agreed to. House resumed. Bill ordered to be brought in.

PORTUGAL—ADJOURNED DEBATE.

Order of the Day for resuming the Adjourned Debate on the affairs of Portugal, read.

MR. BORTHWICK commenced by remarking upon the extreme length of the papers presented to the House, and of the period over which they extended; yet, strange to say, there was omitted the most material document of all, viz., the Quadruple Treaty of 1834. He expressed his deep regret that the House were not permitted to proceed with the discussion on an earlier night. Upwards of a month ago he had asked a question on the subject—it being apprehended that the Three Powers intended to interfere—and on that occasion information had been solicited by him upon the subject. The noble Lord (Lord Palmerston) had replied that no interference of ours in the affairs of Portugal could then be based upon the Quadruple Treaty; and had stated that any such interference on our part would be directed to the maintenance of the present royal dynasty of Portugal. The noble Lord had, however, refused all information. Yet all the while negotiations were going on, interference was resolved upon, and the protocol had been signed, which the House only heard of first through the columns of a French newspaper. He felt deeply that in foreign affairs we should proceed in the open light of the constitution. But the Government were wholly out of this light of the constitution in the present intervention. He begged to refer to the precedent of 1826. The argument founded upon it was *à fortiori;* for if Mr. Canning, in that case, which was clear in its character, solicited the sanction of Parliament before he interfered, much more ought such a course to have been taken on this occasion. Mr. Canning had at that time brought down a Message from the Crown on the Monday, having received upon the Friday previous the intelligence on which he had grounded his appeal to Parliament. He believed there was no instance in which a Government had resolved upon and commenced such an intervention without first obtaining the sanction of Parliament. At the present period the House proceeded to the discussion of the question under this great and ominous disadvantage, that the time was passed when any objections on the part of the Legislature could be of any avail. He, therefore, complained of the delay which had been interposed against bringing the subject forward. Notwithstanding the bulk of the paper, which not only told all that had taken place (and told much that had never taken place at all), it told little that was not known before, and nothing that placed the matter at all in a new light. It was admitted that the case of the Government was the exception, and that those who objected to the interference upheld the proper and general rule of foreign policy. Of course it was just possible that the latter were right; and that the exceptional policy of the Government could not be sustained. The noble Lord at the head of the Government had maintained that the intervention was necessary, and had averted a European war. But he, on the contrary, maintained that the effect must be to weaken the alliance with Portugal; to alienate from us the feelings of the people of that country; to support the cause of despotism against popular rights; and it was a poor consolation to England and Europe that the House of Commons proceeded to discuss the question, each Member holding in his hand a "lusty folio" filled with ingenious diplomatic correspondence. There was not one proposition of the noble Lord which was not capable of an easy and efficient refutation. The blue book began too late for its purpose, and ended too soon. It began with the last scene of the first act of the drama now performing in Portugal. It ended at the very point most important, viz., our preparing to interfere in pursuance of the protocol. It left utterly undetermined the question of a *casus belli;* and, above all, it did not disclose any intimation to the Conde das Antas or the Viscount Sa da Bandeira of the intention forcibly to interfere. He wished particularly to refer to Mr. Bulwer's despatch of the 16th of April, as containing the solitary communication which could be adduced as affording any evidence of an intention on the part of Spain to interfere; and what did it amount to? Simply to an observation that Spain "might perhaps interfere." But this was in the face of repeated declarations of the Duke de Sotomayor and M. Pacheco, that Spain could not interfere, except with the full sanction of this country. This contradiction might have been explained, if the whole of the despatches had been given. No doubt the noble Lord might reasonably be incredulous of the pledges of a Spanish Minister. But why had not the whole of Mr. Bulwer's despatch been given? Throughout the blue book there were similar instances of suppression; and therefore it was impossible to place proper reliance upon the documents presented to the House. It was clear that in the intervention the Government had violated our ancient alliance with Portugal, and the liberties of the Portuguese people, and had done this, not in favour even of the Crown, but in favour of a vile faction, embracing all that was detestable and dishonourable. To this violation of international law, this outrage upon liberty and decency, the honoured name of the Queen of England was now attached, and the assent of the House of Commons was asked. Under the Constitution of 1838 it was impossible for a certain illustrious Personage, high in favour at the Court, to hold the command of the army. And M. Costa Cabral had promised that, if he had the Home Office conferred upon him, he would manage to have the constitution altered in this respect. This Minister thus succeeded in gaining the office he desired. Then ensued a scene of corruption so dark, so black, that it had been deemed decent to suppress it in the diplomatic correspondence presented. By peculiar and unexplained coincidences the very refuse of the population had acquired political power, and the wealth and education of the country had been prevented from being represented. Corruption never was conceived equal to that exercised by this Government of Costa Cabral. Discontent, of course, spread all over the country, and the corrupt Minister trembled. Then the experiment was tried of introducing one honest man (the Duke of Palmella) into office, with the pretty clear certainty, however, that he was only to be the tool and instrument of the faction who had recourse to his aid. Still the commencement of a just Administration under the Duke of Palmella produced the happiest effects throughout Portugal. Under his advice the Cortes were to be re-assembled. The consequences of this were dreaded by Cabral, who had not been able to repeat his process of corruption. The fatal 6th of October arrived. Decrees were tendered to the Duke of Palmella, appointing as his successor the Duke de Saldanha, altering the command of the army, and replacing all the creatures of Cabral in office. The noble Lord at the head of the Government had said that on the 6th of October the kingdom of Portugal was divided into three parties: that the first class adhered immediately to the Queen and the Government; that the second party consisted of the Junta, some of whom were men of violent democratic principles; and that the third consisted of a victorious army, commanded by Marshal Saldanha. He was sure that the noble Lord was incapable of presenting to that House any description which he did not believe to be true to the very letter; but, notwithstanding his confidence in the noble Lord, he must say that it was impossible for any one to give a more inaccurate account of the state of Portugal than that which had been given by the noble Lord. First of all, the noble Lord said there was one party which adhered immediately to the Queen. Now, when we spoke in this country of the party of the Queen, we generally understood that amongst that party there should be some merchants, some traders, some noblemen, some landed gentlemen, some shopkeepers, and some of the labouring classes; but not one of those classes was to be found amongst that body which the noble Lord had designated as one of the three parties into which Portugal was divided on the 6th of October. Who were they? They appeared to be Costa Cabral and his brother, and a few others. The noble Lord at the head of Foreign Affairs (Lord Palmerston), in his despatch to Sir Hamilton Seymour, on the 5th of April, wrote as follows:—

> "I have said in the earlier part of this despatch that there is one arrangement which seems indispensable, but which is not mentioned in my public despatch of this date, and that is the departure of M. Dietz from Lisbon. Unless M. Dietz leaves Portugal, all other arrangements and all attempts to reconcile the Court and the discontented part of the nation will be vain; and Colonel Wylde must not, under any circumstances, leave Lisbon for Oporto until M. Dietz has embarked and sailed for England. His departure is a *sine quâ non* condition of any step whatever on the part of Her Majesty's Government to interfere in any way in the affairs of Portugal. It is needless to explain the well-known reasons which render this condition indispensable."

He (Mr. Borthwick) owned that the people of Portugal, as well as the people of England, had some reason to be surprised with the difference between the words and the acts of the noble Lord the Secretary for Foreign Affairs. His hon. Friend the Member for Montrose (Mr. Hume) had said that he was highly pleased with the words of the noble Lord, but he did not like his acts. He (Mr. Borthwick) re-echoed that sentiment. He was willing to bear his testimony to the fine addition which the noble Lord had, in the course of the recent transactions with Portugal, made to the diplomatic literature of this country. He was pleased with every word of the legal doctrine which the noble Lord laid down in those despatches. They possessed this merit, which was very rare in these times—they were all written in a manly English spirit. But after the noble Lord had stigmatised M. Dietz in his despatch in such severe and it seemed just language, as a party who stood in the way of the amicable settlement of matters, it seemed very strange that M. Dietz should be found dining in London in very much better company than he (Mr. Borthwick) had expected such a man would ever have reached. If he was not mistaken, the noble Lord himself was not very far distant from M. Dietz, who had been dismissed from Portugal in such an ignominious manner at the instance of the noble Lord himself. Now, when the people of England and the people of Portugal read the words of the noble Lord, and contrasted them with his acts, they could not help saying to the noble Lord, *Qua te dementia cœpit?* [Sir J. GRAHAM: *Quæ.*] The right hon. Baronet, though a northern like himself, had had the benefit of a university education, and he very willingly accepted the correction, and gave him his cordial thanks for it. He would take the liberty of making another quotation, which should have been adopted by the noble Lord:—

> "Video meliora proboque,
> Deteriora sequor."

That ought to have been the motto of the noble Lord. Was it right that the noble Lord should come down to that House and tell the people of Portugal that they were composed of three parties: that some of them were Miguelites, some of them Democrats, some of them Tories, and some of them Whigs? Why the people of Portugal, without distinction of political opinion, without distinction of profession, without distinction of age or sex, were groaning under an oppression which had reached the hearts and the homes of all. And when they rose with one united voice, they were, forsooth, to be put down by the Prime Minister of England, standing up in his place and telling them that some of them were Miguelites, and some of them Democrats, and some of them one thing, and some of them another! The answer of the people of Portugal to such language as that was, "We are the united people of Portugal; we have laid aside party distinctions; we deprecate Miguelism." The beginning and ending of this affair was attempted to be worked up by Costa Cabral first, and Mr. Bulwer afterwards. On this question of the different political factions in Portugal, he did not think that the noble Lord had argued with his usual fairness and candour. The noble Lord at one time spoke of the folly of apprehending any fear from the Miguelites, and at another he described them as a party that threatened the overthrow of the Throne, and the destruction of Portugal. In this question, he looked no further than to the English interest—he had no sympathy with the Miguelite party. The noble Lord would do him the justice of saying, that he had never interfered in that subject, and that he had no sort of sympathy with the Miguelites. He contended, however, that Miguelitism had never been mixed up in the slightest degree with the cause of the Junta, although the Junta were quite ready to receive support from the Miguelite party. The hon. Member for Cork (Mr. Roche) was avowedly a repealer in that House; he was sent to that House to vote for the repeal of the Union. Now, Her Majesty's Ministers thought that the repeal of the Union would be tantamount to a dismemberment of the British Empire, and they opposed that question; but he never heard of Her Majesty's Ministers having refused to take the vote of the hon. Gentleman in a division in that House: he had never heard anybody say that Her Majesty's Ministers intended becoming repealers, because they counted among their supporters the hon. Member for Cork, and other hon. Gentlemen who held similar political opinions. And with no better reason could it be urged that, because the Junta were ready to receive the support of the Miguelites, they were at all favourably disposed towards Miguelitism. The only object of the Junta appeared to be to release the country from the oppressions under which it groaned. It was most unjust to accuse the Junta party of any feeling of disloyalty to the person of the Queen or her legal Government; because, from beginning to end, their proclamations invariably declared that their object was to resist the faction which had, on the one hand, betrayed the Queen; and, on the other hand, oppressed the people. No act of disloyalty was brought against Das Antas and his companions. There never was a popular revolution conducted in the history of Europe with so much moderation as was that of the Junta of Portugal. And wherefore? Because they had no opposition to deal with—the whole country sympathized with them. He begged to call the attention of the House to the manifesto of the Junta party, published on the 8th of December, 1846. They said—

> "The Junta of Provisional Government of the Kingdom, considers it its duty to address to the civilized nations of Europe a brief and sincere exposition of the motives which have impelled the Portuguese nation to take up arms in defence of its liberty and of its injured rights; and, likewise, of the loyal intentions of the Junta, in whose hands this brave people have deposited all authority during the captivity of Her Majesty Donna Maria II. Europe has seen all the efforts the nation has made since 1820, in order to establish and consolidate its constitutional liberty. But after the most heroic feats, when it seemed that the nation (desirous of repose) could enjoy the benefits of the constitutional system, acquired at the expense of so many sacrifices and of so much blood, a perverse faction, taking advantage of the weakness of our political institution, began to undermine, by degrees, the representative system, tearing one by one the constitutional rights; and ended by destroying completely our civil liberty, after having annihilated political liberty. The nation struggled step by step against this fatal

> system of sophistry, of fraud, and corruption, by means of the press and the Cortes; and such was its success in the elections of 1845, that the Lisbon Government was obliged to throw aside the constitutional mask, surrounded the electoral assemblies with soldiers, pointed every where the bayonet against the breasts of the electors, and fired on them rounds of musketry."

And yet the noble Lord himself, the very hero of the British Constitution, stood up in that House to vilify those who had in Portugal attempted to restore the constitutional liberties of the subject. The noble Lord had said, that if the Junta party had succeeded, the blood of the citizens of Lisbon would have flowed in the streets. Why, the blood of the citizens was shed several times by the Government; and the people there had learned that there was but one resource—an insurrection.

> "Such," in the language of the manifesto, "was the cause of the revolution of the Minho, which civilized Europe admired and applauded; and which ended by the most wonderful generosity and moderation of which an ill-used people could give an example."

Did such language as that on the part of the Junta defend the principles of Don Miguel or his party? No such thing. The Junta, whilst they declared their determination to obtain the constitutional rights of the people, professed sincere loyalty to the Queen. If the Junta had really intended to unite with the Miguelites for the purpose of forwarding the interests of that party, it was clear that amongst the papers which were found on the person of the leader of the Junta, there would have been some which had reference to the Miguelite pretensions. But the fact was that no such papers were found. The Junta party declared distinctly to the Miguelites that the person and just rights of the Queen must be loyally protected; and that if they did not submit to those terms they could not receive their assistance. He thought that it was unnecessary for him to proceed to quote more largely from the blue book in the hands of hon. Members, for the purpose of proving that there was no such thing as a movement on the part of Don Miguel, or that he should proceed to prove (which would be a very easy matter) from the same authority that there was no attempt to establish an insurrection in the name of Peter V. He should now for a moment consider the speech of the noble Lord at the head of her Majesty's Government, and particularly that part in which he attempted to answer the hon. Gentleman the Member for Wycombe (Mr. B. Osborne). The noble Lord stated that the British Government, instead of supporting the cause of despotism by this interference, had, on the contrary, put an end to the cause of despotism in Portugal; that they had by their interference restored the charter of the people; that they had established the people's rights, and secured a constitutional Government to the country. With that simple remark the noble Lord said he had answered three-fourths of the speech of the hon. Gentleman. Now he (Mr. Borthwick) contended that three-fourths of that speech of the hon. Gentleman were unanswerable, and that up to that moment the noble Lord had not made a real attempt to answer them. And even supposing that the interference of Great Britain had, as the noble Lord said, secured to the people of Portugal a charter, he wished to know whether the noble Lord would undertake to say that that charter was the one which had been granted in 1836? Why, did not the noble Lord know that the Charter of 1826 had been crippled, and changed, and made lame and inefficient, by a thousand acts on the part of Cabral? Did not the noble Lord know that if the interference had secured a charter to Portugal, it was not such as was secured to the people by Don Pedro? Why, if anything had been secured, it was but a nominal liberty, if not actual despotism and real tyranny. And if any privileges had been secured to the people of Portugal, how were they to be secured to them? The noble Lord would no doubt answer, "By the faith of the Queen." By a Queen as proverbially fickle as Fortune herself! "By the faith of the Queen," who had violated and broken her most solemn engagements to her people? "By the faith of the Queen," who as often as she awoke from her rest plotted the destruction of her people's rights! "The faith of the Queen!" Why, surely the noble Lord talked of the faith of such a one on the old principle of *Lucus à non lucendo.* But what right had the British Government to interfere with the administration of the laws in Portugal? What right had they to interfere with the domestic Government of the people of Portugal? He asked the noble Lord, in the face of Great Britain, and in the face of Europe, what right had England to interfere as she had interfered in the affairs of Portugal? The very first thing that we stipulated for was with regard to the treatment of the prisoners at Torres Vedras. It had been said that we had secured an amnesty to them. An amnesty to a people whose fault had been the defence of their Queen against a faction that threatened danger to her throne and the destruction of her constitutional rights! Why, it was the Queen that ought to have obtained an amnesty from the people. But if the noble Lord did give them an amnesty, he might be permitted to pause here and ask the noble Lord when he proposed to bring back the prisoners of Torres Vedras, and whence he proposed to fetch them? Did the noble Lord know where they were? He contended that nothing more than a promise had just been given by the Queen of Portugal to her subjects as to their constitutional liberties, which promise was made with a deliberate intention to deceive. Who were the prisoners at Torres Vedras? They were men who, with Count Bomfim at their head, had received many wounds in defence of their Queen whilst fighting against Don Miguel. They were men who sided with the Junta. They surrendered, and stipulations were made as to their treatment as prisoners. Solemn treaties were entered into between those honourable men and the Queen of Portugal, by which their honourable treatment was to have been secured. The faith of generals and of a Queen was no slight, no trifling matter in the estimation of Europe. To those brave men with whom the Queen of Portugal negotiated as to the terms of their treatment, she owed a debt of deep and lasting gratitude, both for their personal conduct and their military service. Yet these men were placed on board a convict-ship which the surgeon declared not to be able to accommodate the half. The captain of the vessel actually remonstrated against so large a number being put on board of her. Whilst under sailing orders for the coast of Africa, the captain said, "If I sail with these men on board, not one-half of them will reach their destination alive." Mr. Southern hearing this, applied to the Government of Lisbon. He represented that the British Government would not tolerate this conduct, and entreated the Portuguese Government not to subject the prisoners to such treatment. To this remonstrance no definite answer was given, the Minister merely replying that the matter would be taken into consideration. Many days passed over; but nothing having been done regarding those unfortunate men, Mr. Southern wrote to Lord Palmerston, and informed him that he had not succeeded in obtaining the consent of the Government of Lisbon that the prisoners should be more humanely dealt with—that he had not effected their release. The noble Lord (Lord J. Russell) quoted unfairly from the despatches of Mr. Southern to Lord Palmerston. The noble Lord quoted this passage:—

> "The note which I addressed to the Minister of Foreign Affairs on this subject, and which is enclosed in my despatch of the 30th of January, was delivered to Don Manuel de Portugal at eleven o'clock in the morning of the 29th ultimo; and I find it has been the subject of repeated deliberations of the Cabinet. I am happy to think that the benevolent feelings of their Majesties induced them to support the views I had thought it my duty to lay before the Foreign Minister; but the opinion of the Cabinet, to which some extraneous persons were admitted, finally prevailed, on being backed by a threat of immediate resignation on the part of the Ministry."

But the noble Lord did not quote the following from Mr. Southern's despatch of February 16, and which was much more to the purpose:—

> "The commandant of the *Audaz* brig of war, Rodonallo, who was in command at the time she received orders to sail to Angola, seeing the state of the prisoners confined on the lower deck of his brig, and being convinced that if conveyed in that manner few or none would survive the voyage, made a representation to the Government, requesting various changes might be made for their accommodation."

What followed? Captain Rodonallo was consequently superseded, and Captain Sergio appointed in his place; he, however, only accepted the command on condition that he would permit no interference with the interior arrangements of his ship. So that the captain was actually superseded because he made representations to the Government of Lisbon of a nature similar to those made by the representative of Her Britannic Majesty. The fact was Her Britannic Majesty's representative was deceived—grossly deceived—by the Portuguese Government. The Portuguese Minister told him what that Minister must have known to be directly untrue. He told them that those prisoners should sail either to the Azores or to Madeira, or to some other of the wholesome settlements belonging to Portugal, and not to the coast of Africa. But, he added, "do not say anything about this, for if the fact were known we should become unpopular." It was secretly communicated to the British representative at Lisbon that the health of these men should be regarded, and that they should not be dishonoured by being sent to a penal settlement, which was the punishment of felons, and not of men who had been endeavouring to serve their country. And with that simplicity which throughout marked the conduct of the British Government, the English Minister believed this representation; and it was not until Mr. Southern, in a subsequent despatch, informed the Foreign Office that the ship had sailed with orders to proceed to Angola, that the noble Lord was really apprised of the fate of these prisoners. Mr. Southern, in that despatch, said he did not know to a certainty where the ship had gone to; all he knew was, that the ship had left Lisbon, with all the prisoners on board of her, and that when he applied to the Portuguese Minister, requesting to know why faith had been violated with his Royal Mistress the Queen of Great Britain, the answer made to him by the Portuguese Minister was, that it was because England had interfered that the Portuguse Government could not do justice to these men. When England would have established the new Constitution in Portugal—when she had secured to the people of that country the Charter of 1826—when the Queen was secured upon her throne—and when, in addition to the plighted faith of the Queen of Portugal was added the faith of the noble Lord himself, which was somewhat more respectable, and the faith of the Queen of England—when they had done all these things, would they not be told by the representatives of the Queen of Portugal in Lisbon, if they came to ask for an electional franchise for the people—that quiet citizens might not be murdered, that the people coming to vote at the elections might not be shot—would they not, he repeated, be told that all these things must be done, because England requested that they might not; and that if England had not interfered, none of them would occur? In the meantime had he not a fair right to ask the Government of England what was their share in the responsibility of this Angola affair? Two of the unfortunate men were dead—probably more. What was the answer of the British Government to the just demands of those surviving prisoners and to the people of Portugal, for the Portuguese Government declared it was because of English interference they had been so treated? The plain fact was, the British Government had interfered not to sustain the liberties of any portion of the people of Portugal, but in favour of a foreign faction amounting in number to some five or six individuals, to whom might be added those under their direction or in their immediate pay—paid too with money wrung by unjust exaction from the honest people of Portugal. That was the share they had in the transaction. Again, he asked the Government to explain these things to the House and to the country. It was not enough for the noble Lord to tell them that the liberties of the people of Portugal were secured to them by the charter. But what was the state of things in Portugal since the date of that charter, but a continuation of tyranny and despotism which at this moment was not interrupted, as shown by the treatment of the prisoners of Torres Vedras? Where were those men now? In the Castle of St. Julien. Das Antas was there a prisoner with 3,000 men. [Viscount PALMERSTON: 3,500.] The noble Lord seemed to exult in the number, showing his sympathy with the Cabral faction, who would rejoice, no doubt, in the same circumstance. They would no doubt prefer seeing 3,500 Portuguese there to 3,000; but he would ask the noble Lord, not what Costa Cabral would think of this, but what would the people of Portugal think of it? What, he repeated, would the Portuguese people say at seeing 3,500 of their countrymen in the Castle of Julien guarded by British bayonets? The noble Lord might say it was better for them to be there, and perhaps it was better for them to be there, than exposed to the tender mercies of their Queen, our ally. [Lord G. BENTINCK: The hon. Member for Pontefract asked where could they be safer?] The noble Lord had reminded him of the expression of the hon. Member for Pontefract; but if those men were now safe, the next question was, "How long would they remain so?" Did they propose to nominate the Queen of England as perpetual gaoler to the Queen of Portugal? Was the hon. and gallant Officer who commanded the British fleet in the Tagus to be sub-gaoler to Her Most Faithful Majesty? And if he resigned the command, was his hon. and gallant Friend the Member for Marylebone (Sir C. Napier) to be promoted to that exalted position? And if not, were these prisoners, when the British officers no longer guarded them, to be handed over to the tender mercies of the Queen of Portugal? [Viscount PALMERSTON: They will be set free.] Was the noble Lord quite sure of that? And if so, would he guarantee to the House that they would not meet with the fate of the prisoners of Torres Vedras? How could the noble Lord guarantee that they would be set free? Had the treatment of the Portuguese prisoners, or of those who were supposed to be adverse to the Crown, hitherto been such as to warrant them in the belief that clemency would be extended to these men? Had not the echoes of the streets of Lisbon been awakened by the cries of the tortured subjects of the Queen? Had not the fabled horrors of the Star Chamber been realized in Portugal in the nineteenth century? Did they not know that that Queen, who was called the Constitutional Monarch, had been herself in moral captivity, incapable of giving effect to her own wishes on behalf of her own people? Did they not know that the liberties of the nation had, through English interference and English support, been sacrificed to the basest faction that ever disgraced even the name of faction? And what security did the noble Lord give the people of England or the people of Portugal that all those horrors would not be reenacted? If the noble Lord said they could not occur, he asked for proof. But did the British Administration itself come clear out of these matters? Had Das Antas had notice of the *casus belli*? Did the noble Lord produce any document, any categorical information, that notice had been given to Das Antas to the effect that if he crossed the bar of Oporto, himself and his troops would be taken prisoners? He knew that Das Antas was not aware that such a step would be taken. He was prepared to say that Das Antas had never received any notice which was regular and proper, to the effect that he would be taken prisoner if he sailed beyond the bar of Oporto. It was true a threat had been held out, and a most improper threat it was. [Captain Osborne: And that was in May last.] The hon. Member for Wycombe was perfectly right; and the other threat to which allusion has been made by the noble Lord had been made before the protocols were signed. But that threat Das Antas, as an honourable man, could not have believed was sanctioned by the noble Lord; and he should be surprised if the noble Lord were to adopt that menace. It was made by a person who had been sent from England as mediator. [Captain Osborne: No, he was not.] Indeed his conduct did not much resemble that of a mediator, but rather that of the partisan of a faction. Throughout the whole business he never manifested anything like impartiality. In his address to Sa da Bandeira, he said—

> "I am at this moment (May 1, 1847) informed that the forces under your command are marching for the purpose of attacking the Queen's troops. I therefore think it right to inform your Excellency that Her Majesty's Foreign Minister having accepted the mediation of England, should you prove victorious, you will probably find the British force in the Tagus prepared to defend the capital, and oppose your crossing the river; and, on the other hand, should your Excellency be defeated, it will become my duty to recommend that the troops under your command should be excluded from the benefit of the amnesty which I announced to your Excellency yesterday it was the intention of Her Most Faithful Majesty to grant."

Did the noble Lord mean to say that he gave Colonel Wylde instructions? Did the noble Lord mean to say that on the 1st of May, 1847, Colonel Wylde had authority to act upon a treaty which was concluded in London on the 22nd of May? And if not, was it consistent with the honour of a British officer, who appeared there as a mediator, to tell Sa da Bandeira that if he proved victorious, he would be encountered by a British force? Colonel Wylde said, "Should your Excellency be defeated, it will become my duty." My duty! What duty had he to discharge? Was he the Minister Plenipotentiary on the part of Great Britain? and if not, of what baseness was he not guilty in endeavouring to make Sa da Bandeira believe that he had such power. He had no more power to make any recommendation than any clerk in the Foreign Office. The business of Colonel Wylde was to smooth down matters between the contending parties—to effect the pacification of the Portuguese people without taking part with the one side or with the other. And then he threatened the troops under Sa da Bandeira that if he was defeated, his troops would be exempted from the amnesty. So that a gentleman holding a high commission in the Army of Great Britain, and charged with an important mission, condescended to mislead the man he was addressing—he mistook his powers, and ventured to use the name of the Sovereign of Great Britain in a threat contemptible in its character and false in its foundation. But the noble Lord the Member for the city of London entirely failed to make out his case, and thought to dispose of three-fourths of the charge against the Government in a single sentence. The noble Lord attempted to vindicate the interference in this matter on the ground of precedent, and quoted the cases of the interference of the Prince of Orange, of Belgium, and of Greece, and did not hesitate even to refer to the interference with the affairs of Spain. He would like to ask the noble Lord if he were really in earnest in quoting Spain as a precedent? Did he mean to say that the people of England, asking the Prince of Orange to come over and aid them in the movement which they contemplated, was a parallel case to the present—that there was, in fact, the slightest similitude? Why, there was just this difference, that in the one case the people of England invited the Prince of Orange to assist them in recovering their liberties; and in the other, the Queen of Portugal asked the assistance of England to crush the liberties of her people. And, in fact, Vattel quoted the case of the Prince of Orange for a purpose directly opposed to that to which the noble Lord would apply it. Vattel said—

> "Besides, the King does not forfeit the character of royalty merely by the loss of his kingdom. If he is unjustly despoiled of it by an usurper or by rebels, he still preserves his rights, among which are to be reckoned his alliances. But who shall judge whether a king has been dethroned lawfully or by violence? An independent nation acknowledges no judge. If the body of the nation declare that the king has forfeited his right by the abuse he has made of it, and depose him, they may justly do it when their grievances are well grounded; and no other Power has a right to censure their conduct. The personal ally of this king ought not, therefore, to assist him against the nation who have made use of this right in deposing him: if he attempts it, he injures that nation." "England declared war against Louis XIV., in the year 1688, for supporting the interests of James II.; and again, in the beginning of the eighteenth century, for acknowledging the son of the deposed monarch under the title of James III."

The noble Lord had quoted the case of Belgium; but surely there was no parity in the two cases. The people of Belgium rose against their lawful Sovereign. They were triumphant. The English Government interfered to consolidate the kingdom. They succeeded. What similitude was there in the two cases, he repeated? But the noble Lord had quoted our interference with Spain as a precedent; and he owned that that quotation, coming from the lips of the noble Lord, did not a little surprise him. What! our interference with Spain? How did the case really stand as regarded Spain? For thirteen years (from what causes it was not necessary now to speak) the people of Spain had been suffering under constant oppression. Her fields were lying untilled—her commerce stagnant—her resources undeveloped—her greatness as a nation sunk and destroyed. To all useful purposes, Spain had been blotted from the map of Europe. Her Court was powerless—her people demoralised and impoverished—her status in the family of nations gone; and yet, at the expiration of thirteen years, the Prime Minister of England rose in his place and said, our interference had been for the benefit of the Spanish people. And the noble Lord concluded his speech with a prayer in which he was sure no Portuguese would join, namely, that he hoped our interference would be as successful in this instance. If, indeed, England was as "successful in this instance," there was not a town in Portugal which would not be stained with the blood of her people—not a province of the kingdom in which peace could be said to have a settled habitation—not an hour during which the Queen could be said to be firmly seated upon the throne; and to all intents and purposes the power of Portugal annihilated and destroyed in the great family of European nations. But he would quote again what Vattel said respecting interference with a foreign State, and the House would say how far that eminent writer upon the law of nations justified the noble Lord:—

> "The same question presents itself in real alliances, and in general in all alliances made with a State, and not in particular with a King for the defence of his person. An ally ought doubtless to be defended against every invasion—against every foreign violence—and even against his rebellious subjects. In the same manner a republic ought to be defended against the enterprises of one who attempts to destroy the public liberty. But the other party in the alliance ought to recollect that he is the ally, and not the judge, of the State or the nation. If the nation has deposed her King in form—if the people of a republic have expelled their magistrates and set themselves at liberty, and either expressly or tacitly acknowledged the authority of an usurper—to oppose their domestic regulations, or to dispute their justice or validity, would be interfering in the government of a nation, and doing her an injury. The ally remains the ally of the State, notwithstanding the change that has happened in it."

But, in point of fact, Vattel did not more expressively or eloquently lay down those principles than the noble Lord the Secretary of State for Foreign Affairs in his despatches. Let them see how the case really stood. Great Britain and Portugal had maintained a close alliance for many centuries. That alliance had been illustrated by many treaties. He admitted that, during five centuries, Portugal had been to England a true and faithful ally.

In the great European war, when all Europe was leagued against Great Britain, Portugal alone remained steadfast in her alliance; and when even Spain deserted us, Portugal still maintained the rights of Great Britain; and from that close alliance had mainly resulted the successful termination of the war. The importance of that alliance and the propriety of its contrivance was admitted by every one—by none more strongly than by the noble Lord (Lord J. Russell). But how did he propose to sustain it? One fallacy ran through the whole of the noble Lord's speech. He talked as if our alliance with Portugal meant an alliance with Costa Cabral, or an alliance between Great Britain and the Throne of Portugal. But it was not fair so to represent it. He asked the noble Lord to point out a single act committed by the Junta of Oporto, one word, either unfriendly to English alliance, or in which they showed themselves unfavourably disposed towards the reigning family. The noble Lord throughout his speech treated the question of the alliance between England and Portugal as an alliance between the two Crowns, and not between the two States, which in point of fact it was. England had during that alliance changed her form of government—she sunk (or if they pleased rose) under the usurpation of Oliver Cromwell, but one of the first acts of the Commonwealth was an amicable treaty with Portugal. He noticed this merely to show that the alliance was not, properly speaking, between the Crowns, but between the nations; and he maintained that they were at that moment severing that alliance, violating those ancient ties, by lending the power of England to establish a faction in Lisbon contrary to the will of the nation. Up to the period when those protocols were signed in London by France, Spain, and England, the name of an Englishman was deemed synonymous in Portugal for all that was honest, honourable, and friendly; but how would it be now, when the Portuguese saw their fellow-countrymen under the control of British bayonets—when they saw a faction, under which they had suffered so much, sustained in power by the force of England? Why, they would naturally say that the old alliance was gone for ever—and his opinion was that the course our Government was pursuing would end in one of two ways, either in the establishment of a republic in Portugal, and the destruction of that Throne which they were endeavouring to support, or in the absorption of Portugal by Spain—an event against the consummation of which the whole policy of England had been for many centuries directed. Even Colonel Wylde declared at last that there was no foundation for a Miguelite conspiracy. He said that a Miguelite conspiracy was a shadow, and that it would not be sustained by argument for a single moment. When Costa Cabral found that he could no longer induce England to interfere, by making use of that pretext, he then changed his tack, and tried to get France and Spain to promise that they would interfere; and, after all, the real argument which formed the basis of the whole speech of the noble Lord was, that if we had not interfered, France and Spain would have interfered. So it was in the speech of the noble Lord the Member for Durham. He said Her Majesty's Ministers interfered against their wills. So no doubt they did. The whole tenor of the despatches showed that they were conscious of doing what they ought not to have done, but that there was some mysterious influence which took possession of their faculties and compelled them to act, whether they would or no. What that influence might be, he could not pretend to indicate; but he was sure it was not this—it was not the fear of the interference of France or Spain. It was plain from the correspondence that both the Duke de Sotomayor and after him Pacheco declared that they would not interfere. A despatch from Mr. Bulwer to the noble Lord began by stating that he thought he had now satisfactorily concluded the whole affair; and that Pacheco would not interfere, except with the cooperation of Great Britain. He should look anxiously for any proof of the assertion that France showed any intention of interfering. It would certainly be a curiosity to see a despatch containing such a threat signed by M. Guizot, and sanctioned by his Royal Master—of that Monarch who would not call himself King of France, but King of the French, because he wished to be the exponent to the world of the great principle of popular force rising triumphantly against established and legitimate rule. He should certainly be curious to see the despatch so signed and sanctioned, stating a determination to sustain a despotic Sovereign against a popular revolution. It would complete the comedy — if, indeed, anything could be considered comic which was fraught with such eventful consequences—that M. Guizot and the King of the French, themselves the creatures of a revolution, should say to the people of Paris, "We know that you are all united to resist the despotic rule of your Sovereign—we know also that you have no intention to depose that Sovereign, but to keep her prerogatives within the limits of the constitution; but yet I am determined that if you do not submit yourselves, I shall possess myself of your kingdom, and yield you up to the despotic sway which you have now risen to resist." But throughout the whole of this blue book there was no despatch of M. Guizot that expressed such an intention; and even if there were, what would the argument amount to? It was nothing more than this—that a man consented to rob his friend's house because he knew that other two robbers were contemplating the act, and he agreed with himself that his friend would be robbed more gently if he did the act himself. The noble Lord had referred to treaties; but he contended that these treaties gave the noble Lord no right to interfere, except to come to the aid of Portugal; and he now asked the noble Lord to make out in the face of Europe the case on which he rested his right to say to his ancient allies, the people of Portugal, that though their Monarch had been taken captive by a faction—that though she had overridden the rights of her people, and was not sustained by a single party in the State—still he was determined to pervert his alliance with the people into a reason for taking up arms against them, because if he did not interfere, then France and Spain would interfere. The answer of Portugal to this was as clear as possible. They could refer to existing treaties; and if France or Spain invaded their frontiers, they would call upon England, in the name of their ancient alliance, to maintain the independence of Portugal against the intervention of a foreign State—an independence from which England in past times had derived great and important benefits. The noble Lord's only answer could be his sending a fleet or an army, or both, and driving the invaders from the territories and the shores of Portugal. In conclusion, he must say, that he was prepared to put aside the blue book altogether—he was prepared to put aside the treaties which the noble Lord had laid upon the Table of the House, and on plain common-sense principles—on the acknowledged amity that subsisted between the States of Great Britain and Portugal—on the practical benefit to Europe arising from the maintenance of that amity and alliance—in the name of outraged humanity—in the name of the Portuguese people, deprived of their liberties, and in no few instances of their lives—he called upon the noble Lord representing Her Majesty to stand up in his place in the House and to vindicate this monstrous exception; for he himself admitted it to be an exception from those general rules which guided our foreign policy. He asked him to show by facts which had not yet been presented to the House, not even in the able speech of the noble Lord at the head of the Government—he asked him to show by facts where was the necessity that urged a departure from the general rule of diplomatic practice in matters of this sort. In what were the liberties of Portugal less precious than those of our other allies, that they alone were to be trampled upon with impunity? In what was the Queen of Portugal more sacred than other tyrants, that we should undertake to sustain her alone against the indignation of her outraged people? Was it that for her sake we had previously deposed another tyrant, and that she was, therefore, the pet Queen whom we were to sustain against all comers with a feeling that savoured more of chivalry than of statesmanship? He found nothing that would excuse this in the speech of the noble Lord. The whole of that speech consisted of two points, one of which was admitted by the noble Lord himself to be a nonentity, namely, the existence of a rival to the Throne; and the other had been equally shown to have no existence, namely, that France and Spain would have interfered if we had not. Now, was England to lend itself to a course of policy so wicked, disingenuous, and tortuous, that it required for its defence arguments and explanations like these? This was not the character of the foreign policy of the noble Lord in former years; for no one had been more successful than he had in defeating the contemptible intrigues which had been formed against the power of England. The noble Lord, in 1841, established the policy of Great Britain in the East against all comers; and his conduct then was such as to make his name immortal among British statesmen. The noble Lord deserved even now the thanks of the country for his lofty bearing on that occasion. So even more recently, though unnoticed in the affairs of the Peninsula, through the errors of his predecessor, in a manner worthy of the best days of British statesmanship, he again vindicated the honour of his country, and again defeated, as far as it was then possible to defeat, the policy to which he had before referred. But now the noble Lord, in an evil hour, had fallen into the snares of those whose object was to sever England from her ancient ally, Portugal—to weaken the power of England in the Peninsula. Ever since 1831 this policy had been carried out. Conquerors had achieved great things by the sword; statesmen had achieved great things by diplomacy; but here was one who had achieved great things by marriage. The policy of France had always been to bring about a union between France and Spain, which would aggrandize France to the injury of England. What had been done? By intrigues of one sort or another, first of all, the Queen of Spain was married unhappily; and in her present separate state an heir to the Throne was not to be hoped for. Then came the marriage of the Duke de Montpensier, against which the noble Lord had most justly protested. Since, then, all the other heirs to the Throne, as though by some fatal ingenuity, had married beneath their rank, so that, under the existing laws of Spain, they could not inherit the Crown. The one heir that was left to the Crown was the Duchess de Montpensier. What was wanting to make that complete? Nothing more than the extinction of the friendly feeling between England and Portugal. The noble Lord knew better than he did whether he had pointed to the true explanation of the case; but whether it had happened by French contrivance or not, the undoubted effect of this step, on the part of England, was to injure such alliance. The extracts which he had read established, he thought, three points—that interference was contrary to the principles of international law—that the prisoners now under our care were unjustly imprisoned; and, what was more important than that, that we had alienated the affections of the people of Portugal—that we had violated the ancient alliance subsisting between them and us—that we had wasted the resources of Portugal, destroyed the liberties of her subjects, laid the foundation for a future despotism, and injured irrecoverably the prospect of European peace. If these were the effects of the policy of the noble Lord, the House ought to have an opportunity of expressing an opinion upon it; and he regretted that opportunity had not been afforded before it had become too late. He would support the resolution, the effect of which, if it were carried in this and the other House of Parliament, would be to revoke the protocol of the noble Lord, dated the 21st of May. He had no doubt he should hear many eloquent speeches from hon. Gentleman, tearing to rags the policy of the noble Lord, but ending with declarations that they would vote for the Government, because the matter was now a *fait accompli;* and that, whatever the consequences might be, still the faith of the Sovereign was pledged, and must at all hazards be sustained. Whether this view of the matter was right or not, at all events he had discharged his duty in stating his views, and should discharge it by giving his vote in support of them.

Mr. CHRISTIE said, there were two questions raised by the Motion of the hon. Member for Montrose: one, that they had interfered to the dishonour of the British name, in promoting the cause of despotism in Portugal; and the other, that intervention of any kind in the internal affairs of another nation was mischievous and unwarrantable. The hon. Gentleman who just sat down, applied himself at great length, and occasionally in a very impassioned manner, to the consideration of these questions; but some parts of the hon. Gentleman's speech effectually answered the remainder. It was impossible that any Government in this country would be disposed to act, or would dare to act, in the unjustifiable and illiberal spirit which the hon. Gentleman attributed to Her Majesty's Ministers. The hon. Gentleman himself had been in the habit for many years of interfering a good deal in the affairs of the Peninsula, though Spain rather than Portugal, and despotism rather than constitutional libery, had chiefly the benefit of his intervention. He thought, therefore, that the hon. Member for Montrose should look with some degree of suspicion on the support of his new ally. He did not believe that either the present Government, or any Government that could be formed in this country, would or could have interfered for the support of unconstitutional principles; and upon that point it was not unimportant to observe the appearance which that House presented during the whole of this debate. If there had been any reason for supposing that the Government had interfered with the cause of constitutional liberty, he did not think that the debate would have been characterized by that langour which had marked it on that and the former evening.

If there were any foundation for a charge against the Government, would not that House have presented a different aspect—would not public meetings have been held—and would not petitions have covered the Table of the House, expressing universal abhorrence of the conduct of the Government? It required not the papers that had been produced to absolve them from the charge. There could be no doubt but that they had interfered to reduce to obedience those who had been led to revolt against the Sovereign; but it should not be forgotten that they had in the first instance exacted the Queen's consent to the terms of the constitution; and that they had established for the leaders of the revolt a re-establishment of the constitution as it existed before the 6th October last, and also complete indemnity for all that had since taken place. The hon. Gentleman who just sat down, was not, however, it appeared, satisfied with a restoration of the late constitution. Nothing short of a return to the constitution of Don Pedro, granted in 1826, and guaranteed in all its integrity, would satisfy the hon. Member; and in this he asked for more than the Junta itself demanded. Terms such as those which were proposed could not have been refused, unless either success or exasperation had given the leaders of the revolt other objects than the establishment of constitutional liberty. The noble Lord had not sanctioned interference for the sake or for the purposes of either one party or the other. This was not a mere party or a Portuguese question. It was an European question, involving the peace of Europe and the balance of European power. What course had the noble Lord taken? Why, acting in concert with France and Spain, he had interposed for the purpose of restoring tranquillity to Portugal, the peace of which was inseparably connected with the peace of Spain; and in which France, Spain, and England were united upon the basis of the present dynasty. Interfering in this way, the Three Powers interfered upon terms settled beforehand, irrespective of the views of either of the contending parties in Portugal—terms fair and reasonable, calculated to secure both the Throne and the constitution, both the honour of the Sovereign and the safety of her subjects, and which would give a triumph neither to one party nor the other. How, he would ask, would the prospects of the constitutional party in Portugal have been bettered if England had stood aloof, and thus have driven that country into the arms of Spain and France? He contended, those prospects would not, at all events, have been improved; but by the course taken by the noble Lord, England had been instrumental in obtaining, not merely the word of the Queen of Portugal that the rights of the people should be observed, but also security against the future separate action of Spain and France, which, as bearing upon the prospects of Portugal, would not be less beneficial than the co-operation of the Three Powers. The second question raised by the hon. Member for Montrose was, that any intervention in the affairs of Portugal was unwarrantable in principle, This was a phrase capable of two meanings. It might mean it was unwarrantable to violate the principle of non-intervention; or, admitting there were cases in which intervention was justifiable, it might be that in these exceptional cases we were not proceeding according to principle. The first of these he believed to be the meaning of the hon. Member for Montrose; and the hon. Member for Evesham was an advocate for inviolable non-intervention in the civil disputes of other nations. Nothing, in his opinion, was more dangerous than setting up the doctrine of the inviolable principle of non-intervention. What was the case in which the Government proposed to affirm the general principle of non-intervention? Much had been said respecting the supposed inconsistency of the noble Lord; but let his despatches be looked at. Did he in any one of them say, that the present was not a case for intervention? There was not a writer upon the law of nations who did not say that cases might arise in which it would be the right of one State to interfere with the internal policy of another; and as to asserting that there existed a contrast between the words and the actions of the noble Lord the Secretary for Foreign Affairs, no statement could be more utterly void of foundation. It might be perfectly true that the policy of Don Miguel was to abstain from taking any part in the present disturbances—it might be thought his policy to lie by till both the contending parties had become exhausted, and then, but not till then, suddenly to make his appearance in Portugal, and seize the reins of power. At the same time, he was perfectly ready to agree with those who thought that there was no Miguelite movement in the present Portuguese insurrection. In the course of the present discussion, the question relating to wars of succession had been gone into; and he believed he was warranted in saying that a negative had not been proved in that case; on the contrary, he believed it had been clearly enough shown that we did possess the right of interfering in wars of succession under certain circumstances. But might not a combination of circumstances arise which threatened a war of succession? and would not that justify an interference? and might not the noble Lord have held some such language as he had held to Spain, considering the interest which Spain had in the affairs of Portugal? If Spain had that interest in the affairs of Portugal, had not England also a great interest in maintaining the balance of power in Europe? Surely England had a strong interest in keeping Spain from acquiring a decided ascendancy in the Peninsula. On all grounds it appeared to him, that the intervention of England was perfectly justifiable; and even if dissensions were revived in Portugal, the noble Lord would have the satisfaction of having done his best to prevent them, and the responsibility would rest upon others. Allusion had been made by the hon. Member for Wycombe (Mr. B. Osborne) to the family connexion existing between the thrones of Portugal and England. He did not believe that at this day, and in this country, any Minister, whoever he might be, would dare to allow considerations of court favour or court intrigue, to thwart the national policy. And, after what had happened to the Sovereign of Portugal, duly appreciating the objects for which assistance had been given by other Powers to extricate her from dangers so great, efforts would not be wanted upon her part to enable the country she governed to devote itself to those acts of peace in which Portugal once led the way; and that henceforth Portugal, undisturbed by internal dissensions, and secure in the enjoyment of constitutional freedom, would recover the proud memory of her ancient days, when her princes taught the lessons of commercial freedom to the nations of Europe.

Lord J. MANNERS rose with considerable pain to support the Motion of the hon. Member for Montrose; for he had entertained the hope that after all that had passed—after the almost unanimous assent which had been given by both Houses of Parliament to the conduct of the noble Lord upon that most delicate and difficult subject—the Spanish Marriages—he had hoped, that after all the bitter experience which they had had of intervention, the conduct of Her Majesty's Government in this matter would have been such as to meet with similar approbation. Now, the general principle of non-intervention had been admitted both by the noble Lord the Foreign Secretary and by the noble Lord the Prime Minister; but it was alleged that the particular circumstances of this case justified intervention. The noble Lord the First Minister of the Crown had defended an armed intervention on the ground that it was required—first, by the interests of Portugal; secondly, by the interests of England; and, thirdly, for the maintenance of the peace of Europe; but his firm conviction was, that the noble Lord had failed to substantiate either of these propositions, and his hon. Friend who had just sat down had not succeeded any better. His hon. Friend had said that the noble Lord the Foreign Secretary had not contended in his despatches that under no circumstances of internal dissension could foreign intervention be justified; and that was true; but what the noble Lord had by those despatches advocated was, that such interference with the domestic affairs of another nation was not justified, and ought not to take place, except under most extraordinary and unusual circumstances; and what he asserted, and was prepared to prove, was this, that those particular circumstances had not arisen in the present instance. He would ask the House, with respect to the noble Lord's first proposition, that the interests of Portugal required this intervention, that question which had been asked by every speaker who had preceeded him on the same side in that debate, but to which no satisfactory answer had as yet been given—what benefit had the Peninsula hitherto derived from past interference with its domestic concerns? He would ask, in the present instance, what benefits Portugal had derived from intervention? What a spectacle did she present at the present time! An enslaved, oppressed, and ruined peasantry; an overbearing and degraded nobility; a bankrupt exchequer; a fraudulent, deceitful, and perjured Administration; a country in which all the arts of peace were forgotten; in which, as the noble Lord had stated, commerce and agriculture had ceased to exist, and which stood now, after twelve years of British intervention, a by-word amongst the nations of Europe. If they looked to

Spain, what did they see there? The noble Lord the First Minister of the Crown had justified this intervention by reference to Spain; but the noble Lord the Foreign Secretary might tell his noble Colleague what had been the fruits of the intervention in the other part of the Peninsula. So late as July last the noble Lord the Foreign Secretary had described the effects of intervention in a despatch, which, for the beauty of its language and the accuracy of its facts, had never been surpassed by the production of any former Secretary. The noble Lord wrote thus:—

> "That political condition must indeed be the subject of deep regret and concern to every well-wisher to the Spanish people. After a struggle of now thirty-four years' duration for constitutional freedom, Spain finds herself under a system of Government almost as arbitrary in practice, whatever it may be in theory, as any which ever existed in any former period of her history. She has indeed a Parliament by law; but all freedom of election for the Members of that Parliament has been overborne by force, or by other means: and no sooner does the Parliament meet, than upon the first manifestation of any opinion not in accordance with that of the Executive, the Parliament is either prorogued or dissolved. There is, indeed, by law, liberty of the press; but that liberty has, by the arbitrary acts of the Government, been reduced to the liberty of publishing what may be agreeable to the Executive, and little or nothing else. There are, indeed, by law, tribunals for the trial of persons accused of offences and crimes; but numbers of persons have been arrested, imprisoned, banished, and even in some cases executed, not only without condemnation, but even without trial. . . . . When Ministers of the Crown set at nought the laws which provide for the security of the people, it cannot be surprising if the people should at length cease to respect the laws which provide for the security of the Crown."

That description, true and applicable to Spain, was ten times as true and ten times as applicable to the present condition of Portugal; and when he reflected on all the gross violations, not of this or that constitution, but of every right to which a civilized man in civilized society was entitled —when he thought of the thousands unjustly imprisoned, of the hundreds unjustly executed — when he remembered all the crimes and atrocities perpetrated in that country under the sacred name of constitutional liberty, truly he was astonished to hear it said, seeing what intervention had hitherto produced, that this present intervention would produce the fruits of liberty and peace. He believed, on the contrary, that it would help to give continuance to a system of Government which had been described by many hon. Gentlemen, but which exceeded in atrocity anything they had heard about it. It was a remarkable thing that in all the instances of intervention in the internal affairs of Portugal, hon. Gentlemen seemed to have forgotten that the last revolution in Portugal was allowed to run itself out—it was not stopped by British arms, but came to its natural termination. That revolution had in it all the elements of the present movement; and the effect of it was, not that the Throne was endangered, but that the Queen was obliged, for a time—he admitted, a short time—to recede from her unjust, cruel, and unconstitutional proceedings—to expel from the Government men who abused her authority, and to select a constitutional Government; and no one had as yet succeeded in showing that the same result might not have followed this outbreak, if it had been allowed to take its own course. He might put out of view all that had taken place at the revolution of the Minho, when there was no foreign intervention, and at the revolution of the 6th of October; but the revolution of the Minho had produced very beneficial results in the opinion of the British Ministers. Lord Howard de Walden, on July 31st, wrote to Lord Palmerston—

> "I understand that this law (of elections) has caused very general satisfaction, and is certainly extremely creditable to the Government, as an earnest of their desire to give the fullest scope to the free working of the constitutional charter, under the practical operation of sound representative principles."

The instructions contained in the Duke of Palmella's proclamation to civil governors of every district met with similar approbation in a despatch of September 19:—

> "It instructs them," says Lord Howard de Walden, "to secure perfect liberty of action to all parties at the ensuing elections, and specially prohibits any interference whatever of any agents of the Government in canvassing or influencing electors."

To this circular of instructions was appended the programme of the Duke of Palmella's Administration; and he (Lord J. Manners) had felt considerable surprise at hearing his hon. Friend the Member for Pontefract, followed by the noble Lord the Prime Minister, ascribe the military revolution of October to the democratic character of the Septembrist programme. He was surprised to hear it said that a liberal programme could justify a military revolution. In fact, that programme was, in many respects, the same with that which the Duke of Palmella had submitted to the Cortes; but admitting that it was a very liberal programme, and that it contained serious and great changes in the charter, what argument was that to offer to the House of Commons as a justification for a military revolution? Was it come to that—that because men maintained extreme liberal opinions in Portugal, therefore a military revolution was justified? Were they now to be told, in the English House of Commons, that because certain people advocated extreme Radical notions, the *habeas corpus* and trial by jury were to be suspended—the elections were to be controlled—a military revolution raised—and every guarantee and promise given under the Royal word forfeited? Until he had heard the hon. Member for Pontefract, he had not believed that such an argument could ever be addressed to an English House of Commons. Now, a great deal had been said about the want of moderation in the Junta, and that they had made extreme demands; but let the House see what they had demanded, and then judge for themselves whether they had asked too much. He asserted that the moderation of the Junta had been remarkable. The Conde das Antas had never ceased to assert his fidelity to the Queen or his determination to maintain her Throne; but it was said that that was one of the blinds by which ambitious men sought to accomplish their designs. The same thing, however, was equally asserted by all the English authorities: in every place in which Colonel Wylde spoke of their designs, he said that he did not believe that they endangered either the personal safety or dynastic rule of the present Queen of Portugal. But as a contrast to the extreme moderation of the Junta, which was the more remarkable, as they knew by experience how deadly hostile the personal feeling of the Queen was to those persons who dared to oppose her will, he begged the House to look at the tone adopted by the supporters of this tyrannic system of Government, and they would see that from the first an attempt was made to give to the insurrection the character of Miguelism, and to call in foreign aid, knowing that their only hope of success was in the aid of foreign intervention. Mr. Bulwer wrote to Lord Palmerston, October 20, thus:—

> "I know that the Marshal Saldanha first asked the Spanish Chargé d'Affaires at Lisbon for armed intervention on the ground of the Quadruple Alliance; and I believe he has written to France, and also to England, mentioning his fears of the movement becoming a Miguelite one, and requesting assistance of the Quadruple Alliance on that pretext."

Mr. Southern also wrote to Lord Palmerston, October 23—

> "Marshal Saldanha and other individuals connected with the Government are endeavouring to give this struggle a Miguelite character; I have made every inquiry to ascertain how far this is correct, and I have no hesitation in saying that this is an erroneous view of the movement."

Throughout the whole continued series the blue book proved an attempt on the part of the Portuguese Government to show that the dynasty of the Queen was in danger, and a more successful attempt on the part of the British Ministers at Lisbon and Madrid to show that that representation was untrue; but the noble Lord, not content with doing that, had reminded Baron Moncorvo, even admitting that a Miguelite case might arise—

> "that the ancient treaties by which Great Britain is bound to give naval and military assistance to Portugal, contemplate mainly the defence of Portugal against foreign invasion; and it was accordingly to defend Portugal against invasion from Spain, that a British force was sent to Lisbon in 1826."

The noble Lord the Prime Minister had referred to the conduct of Mr. Canning in 1826; but it was certainly very different from the conduct of the noble Lord the present Secretary for Foreign Affairs; and he must be permitted to read the language of Mr. Canning on that occasion, which he wished the noble Lord had studied more attentively. Mr. Canning, in vindication of his conduct in 1826, and referring to the Treaty of 1703, said—

> "Internally let the Portuguese manage their own affairs; but with respect to external force, while Great Britain has an arm to raise, it must be raised against the efforts of any Power that should attempt forcibly to control the choice and fetter the independence of Portugal."

But that was the course of England, France, and Spain on the present occasion: they had attempted to regulate the internal affairs, and were engaged in controlling the choice and fettering the independence of Portugal. He should not have adverted to this Miguelite pretext had it not been that the noble Lord opposite and the hon. Gentleman who had just sat down had relied upon it. The hon. Member who had just sat down had used a curious argument: he had said that although the insurrection might not, and probably was not, a Miguelite insurrection, still, if success crowned the arms of the present insurgents, who could tell but that in the course of events something favourable might turn up for Don Miguel? and then his hon. Friend had said, "See how Spain would be situated!" Why, such an argument as that reminded him of the old lines which he had heard in his schoolboy days—

> "A man may drink because he's dry,
> Or lest he should be by and by,
> Or any other reason why."

It was remarkable how differently hon. Gentlemen had argued as to the claims of Don Miguel at different moments: at one moment he was described as such a monster of cruelty and tyranny that the very mention of his name was enough to frighten the Portuguese; and at another there was so great fear of a popular revolution in his favour that the interference of three great Powers of Europe was necessary in order to prevent the remotest possibility of such an event. He was not now going to argue the case of Don Miguel: he thought it was quite beside the present question; but he would venture to suggest to hon. Gentlemen to consider this, if Don Miguel was so unpopular that the Portuguese people would not have him, what was the use of intervention? and if he was so popular that a revolution in his favour was dreaded, how could those who asserted the principle that the people had a right to choose their own governors, justify a foreign intervention to prevent the people of Portugal from exercising that choice? How was it possible to reconcile that principle—the principle which put the Prince of Orange upon the Throne of England, Louis Philippe on the Throne of France, and Leopold on the Throne of Belgium—with the notion that the popularity of a Prince was to be the ground for foreign interference against him? The noble Lord the Prime Minister, adverting to the pretext of Miguelism, had said that he could not justify it; but he added that the junction of the Miguelites with the Junta made a force so formidable that the Government of Portugal could not resist it, and therefore it was necessary that other States should interfere. But it seemed to him that that was the very reason why any person who held liberal principles should not consent to interference. When all the strength of the nation was combined in support of one cause—the peasantry, the nobility, the country gentlemen, and the middling classes—how could those who favoured liberal principles argue that that unanimity was the very proof that the cause was bad, and ought to be put down? But, further, if the interests of Portugal required this interference, as the noble Lord had asserted, why, he would ask, had it not come after the first great success of the Queen's troops? Then it might have been said with some show of justice, "We will interfere at this early stage of the affair, and prevent, if possible, the further loss of life." Then, perhaps, they might have interfered with some advantage. They might have prevented the cruelties which had since been perpetrated, and given contentment to the great body of the Portuguese people. But no: they permitted the Queen's troops to commit every atrocity; they stood by, and vindicated the strictest neutrality; and it was only when the whole nation was combined against the tyranny under which it suffered that they turned round, violated all their principles, and took care that the arms of the Portuguese people should not be successful. The noble Lord had said, that the interests of Portugal and England required this intervention as soon as Spain had determined to interfere, whether they liked it or not: it had been said that Spain had declared her intention to march an army across the Portuguese frontier, whether England chose or not; but the hon. Member for Evesham had pointed out the distinct pledges which had been given by two Prime Ministers of Spain, that under no circumstances would Spain be tempted to interfere without the concurrence of England. Then, the noble Lord the Prime Minister had said that Mr. Bulwer, in extracting these pledges, would have been guilty of deceit if he had not meant to give that concurrence on the part of England; but throughout Mr. Bulwer's able and interesting correspondence, no trace appeared of his having ever given any such assurance; on the contrary, Mr. Bulwer stated that he did not believe that Her Majesty's Government would think that there was a case for interference, and he pointed out the reasons for that opinion. Even at the time when there was some ground for supposing that there might be a Miguelite insurrection of some importance, Mr. Bulwer insisted that Spain should not cross the frontier with an army without the concurrence of England; and so late as the 11th of February, the noble Lord, writing to Mr. Bulwer, said—

> "Such an interference would be as destructive of the independence of Portugal, and as derogatory to the honour and dignity of the Portuguese Crown, as it would be repugnant to the principles which govern the foreign policy of Great Britain."

He regretted to think that something else must have governed the foreign policy of Great Britain than the principles then stated. On February 5, Sotomayor pledged himself not to adopt any definitive resolution thereupon, without a previous amicable agreement with the British Cabinet; and that without such an agreement Spanish troops should not cross the limits. That pledge was renewed in April. Mr. Bulwer, on April 6, reported the following conversation with Pacheco:—

> "And supposing they do not come to such compromise, would you then interfere? You must be aware that to interfere in Portugal without our concurrence is a serious affair?" Answer—"Oh! of this be assured, we will do nothing without your concurrence."

In this case, he would say that England could have called upon Spain to fulfil these solemn pledges. And, he would ask, was England fallen so low that she could not compel Spain's neutrality? It was not that General Clinton, with his army of 5,000, was wanting, but it was the spirit of George Canning which was absent. What a spectacle did this present! England, ridiculing, condemning, forbidding Spanish interference for six months, and then, when all ground of dynastic interference was removed, obliged to yield to bankrupt, disordered Spain, and to give orders to her fleet from the Escurial! Could it be for Portugal's benefit that the national cause was put down by foreign power? England's interference had taken place, not because she thought it right to interfere, but because France and Spain had resolved to unite; and, therefore, she thought it necessary to interfere too. That was the spectacle which was now presented; a spectacle which, in his humble opinion, was not creditable to this country, and not likely to lead to what the noble Lord fondly anticipated—the future tranquillity of Europe. The noble Lord had also asserted that the interference of England was necessary for reasons involving material interests. He was not disposed to enter upon the discussion of the petty interests of trade or of Court influences—it was the great permanent interests of England about which he was anxious; and in connexion with them he would ask if it was wise in England to set forth to Europe this proposition, that wherever the Three Powers which were joined with her in the original treaty were agreed that interference in the affairs of Portugal was wise and right, that then, whatever might be her own opinion of that intervention, she must join with them in such acts as they might adopt? Well, then, could it be denied that, having commenced our interference in Portugal, we were not bound by a sense of justice to see that the interference was carried out to the necessary extent; and what might be the result of that policy? The noble Lord at the head of the Government had said that he must leave the result to the good faith of the Queen; and the hon. Gentleman who last spoke (Mr. Christie) said that there was the further security that Spain and France could not interfere separately from England. He thought it was obvious that any such guarantee could only exist in the imagination of the hon. Gentleman who had propounded it. The noble Lord (Lord J. Russell) had also stated, that a sense of self-interest would induce the Queen to maintain the engagement into which she had entered. It was impossible, however, for hon. Members to shut their eyes to the fact, that, for twelve years, the Government of Portugal had been in the habit of violating every engagement into which it entered. It was impossible that the House could blind itself to the fact, that, throughout the contest which had occurred, even in the hour of extremity and of distress, that the faith then plighted was as little to be relied upon as were promises made in the hour of prosperity. Why, the Queen solemnly swore to observe the Constitution, and she violated it in every part; she swore to accept the revolution of Minho and govern constitutionally, but she subverted it by military force. He had read with feelings which he could hardly describe the despatch of Sir George Seymour, in which he made use of language which looked like mockery after what had occurred, and which could scarcely be appreciated by Gentlemen who expected to find in diplomatic despatches nothing but the words of truth and soberness. In writing to the Conde das Antas, on the 28th of May, Sir George Seymour said—

> "Her Most Faithful Majesty took certain engagements towards Her Britannic Majesty's Government, made known certain intentions towards her subjects, and the one and the other were placed on the same secure basis—the unquestioned good faith of your gracious Sovereign."

Now, let it be borne in mind that this statement was made just previous to the capture of the fleet off Oporto; and could it be credited that a Ministry, whose *employé* had made use of such language as this, was prepared to act as they had done? On the 15th of February the English Minister at Lisbon was instructed by the noble Lord the Secretary of State for Foreign Affairs to go to the Ministers of this faithful Queen, and tell them it would be a breach of faith if they dealt with the prisoners taken at Torres Vedras in the way contemplated. On this subject Mr. Southern wrote as follows to Lord Palmerston:—

> "Count Bomfin, Count Villa Real, &c., none of whom have as yet been brought to trial, or even identified, were placed in the guard-ship at Belem. In the night previous to the day before yesterday, Count Bomfin and his companions were suddenly taken from the frigate they were confined in, and placed all together in the hold of the brig *Audaz*, under sailing orders for Angola. As soon as this determination was known at Lisbon, a very general sensation of horror was felt."

As to the treatment of these prisoners, the Queen's Government stood condemned by the language of the noble Lord and the British Minister at Lisbon, as having committed a breach of faith; and yet the House had seen that in May this same British Minister wrote a formal despatch to the Conde das Antas, telling him that the engagements of the Queen of Portugal respecting England and her own country rested on the same secure basis of her own unquestioned royal word. Well might Das Antas tell Colonel Wylde—

> "It was absolutely necessary that his party should have some guarantee for the fulfilment of the conditions offered, for that neither himself nor any of his party placed the slightest faith in the promises of the Queen's Ministers, and that if they laid down their arms they would all be sent to Africa before the Cortes met."

Had that declaration of opinion been met or disproved by events? Was the truth of it not notorious and sanctioned by what had been stated and admitted during the present discussion? No reasonable expectation could exist that the Queen would fulfil the engagements under which she had come. Nothing else could be expected than that she should violate them, as all others had been violated, and cast aside: what, then, could be the result? Should England be called upon to interfere in order to compel the fulfilment of the Queen's engagement? Should we take care that the prisoners which we had made, and which were now confined under the guardianship of British troops, were not deported to Africa? And if England were not again to interfere, what would be the result? Why, in a year, all the fair promises would be forgotten; discontent and revolution would again rear their heads; the Queen would have learnt to look to Spain and France; and under these circumstances could England remain inactive? No; interference, when once begun, must be repeated. The noble Lord at the head of the Government had endeavoured to justify the present intervention by instances in the history of this country and of Europe, and he had dwelt particularly upon the occurrence of 1688; but the noble Lord, ere he could make good his position, must be prepared to lay down the rule by which the merits of revolutions were to be tested. He was inclined to suppose that the rule which the noble Lord proposed was this, that whenever a revolution had so little hold on the affections of the people that it could only be brought about in the first instance and sustained and carried in triumph by the aid of foreign armies, it was to be called "glorious, pious, and immortal;" but, on the other hand, a revolution which was so deeply rooted in the hearts of the people that it could only be put down by the armed intervention of three neighbouring Powers, was to be called "inglorious and impious," and good care taken that it should not prove "immortal." As to the attacks which had been made on the Junta, he must say that more ungracious, cruel, and unjust accusations he had never heard made against any set of men. Irritated as the populace of Oporto must naturally have been at the capture of their fleet, their conduct towards every stranger whose country had taken part in the hostile proceeding was characterized by the greatest humanity and kindness, and throughout the whole correspondence on the Table of the House not the slightest allusion was made to any act of cruelty having been committed by the troops of the Junta. This circumstance contrasted strongly with the atrocities perpetrated by the Queen's forces. That morning he had received a letter from an English gentleman who carried on business in Oporto, which said—

> "As for the authority of the 'Moderate' Portuguese, of which Lord John Russell speaks, the statement as to the bloodshed and all other horrors likely to occur from the Junta's triumph, Lord John Russell himself knows that it is notoriously untrue."

He begged to be understood not to approve of the language.

> "What greater proof of this than that, although during seven months Oporto and the northern provinces were crowded with armed men of every class, only one instance of an insult offered to one

person occurred during the whole period? One single thoroughfare in London in any one hour of the night exhibited more scenes of turbulence and disorder than the whole of Oporto for a period of two hundred days."

Such was the statement of a gentleman who, so far from having any predilection to the Miguelites or favour for republicans, was one who, from his position, had the greatest possible reason to wish for the restoration of peace and tranquillity. After taking a review of all the circumstances which preceded and accompanied the revolution of the 6th of October, he could not avoid saying that the conduct of the Portuguese Government was such as to justify—if it be admitted that anything can justify a people rising against their governors—the people of Portugal in the attempt which they made to secure their liberties. The House had been told, indeed, that a material improvement had taken place in the character of the Portuguese Ministry—that men of moderate principles had come into power, who were prepared to act fairly and honestly towards the people; but, for his own part, he could place no faith in any such assurances. It was because he believed that this intervention was not for the good of Portugal—because he believed that the interests of England must suffer from the disgrace which he thought had been brought upon the English name—and that so far from tending to preserve the peace and security and tranquillity of Portugal it would produce a thousand times more disastrous results than those sought to be remedied—it was because the intervention was one-sided and partial, inefficient for securing the tranquillity and freedom of Portugal, certain to lead to European complications and to stand in the way of our protesting against foreign intervention in other countries—that he would support the Motion of the hon. Member for Montrose. It was true that much of the evil which had been done could not be remedied; but this the Commons of England could do: they could by adopting the Motion repudiate this precedent; they could say to the Governments of Europe that they protested against this act of intervention, and would not allow it to be drawn into a precedent.

MR. T. DUNCOMBE rose to move the Amendment of which he had given notice in the early part of the evening. He could not help expressing his regret that the House had not been favoured earlier in the Session with some of those expressions of attachment to constitutional freedom which he had heard from hon. Gentlemen on the opposite benches; because, if his memory did not fail him, he thought he could recollect hearing, not long ago, opinions expressed from the same quarter, to the effect that if there was a blessing for which people on this earth could be grateful, it was to live under an absolute despotism. He thought he had also heard public thanks offered to the Emperor of Russia, the Emperor of Austria, and the King of Prussia, for extinguishing the liberties and independence of Cracow. Bearing this in mind, he could not help thinking that there was something more than met the eye in the support which hon. Gentlemen opposite were about to give to the Motion of his hon. Friend the Member for Montrose. He could not help thinking—as hon. Gentlemen must, of course, be consistent in the maintenance of Protectionist principles—that hon. Gentlemen opposite were going to stand up for the cause of absolutism, and that they were confident that the interference of Her Majesty's Ministers rather tended than otherwise to promote the cause of constitutional freedom. Whatever opinion the House might form, or whatever difference might exist as to the merits of that Motion, no one would deny that the question deserved their calmest deliberation; and they would have neglected their duty if they had made light of the subject. But during the discussion there was one principle and object which ought to be kept constantly in view, now that intervention had taken place in Portugal, and whether that intervention was approved of or not; that object was, to secure to that distracted country, and to that people who had justly risen for the defence of their constitutional rights, all the advantages which the intervention could afford. Such was the view with which he had proposed his Amendment. After perusing the papers laid before the House—after having heard the speech of the noble Lord the First Lord of the Treasury in explanation of those papers—he had come to a very different conclusion from that which he entertained when he first heard of this interference with the constitutional rights and the domestic concerns of the people of Portugal. Throughout the papers he found a decided wish and determination on the part of the British Government to protect the rights of those parties who had risen in arms against the Portuguese Government.

Though he did not intend to enter on the proof, and had no blue book before him to quote from, the papers showed that the task of the British Government was a very difficult task. At this moment they were abused by both parties: by those who adhered to the views of the Portuguese Court, as well as by those who took the part of the Junta. One plea had been put forth in favour of the intervention to which he could not subscribe. It was stated, and in the public press it was constantly urged, that one reason, ground, and justification for such intervention, was, that if this country had not interfered, Spain would have done so. That was no justification whatever. Every demand for intervention ought to stand upon its own merits. If intervention was required anywhere, they ought to stand on the justice of the cause, if they approved; if they disapproved of intervention, they ought to resist it to the last. Such was the conduct of the British Government in 1826. What was Mr. Canning's language at the time when Portugal was threatened with invasion by a foreign force? Mr. Canning's speech on that occasion was almost the first speech he (Mr. Duncombe) had ever heard in Parliament, and he recollected the energy of its closing words:—

> "We are prepared to plant the standard of England on the heights of Lisbon; and where that standard is, foreign dominion shall not come."

If they were to do wrong because others threatened to do it, they might hereafter find themselves indebted for their rights as a free people, not to their own external influence, but to the forbearance of stronger Powers. With regard to the Motion of the hon. Member for Montrose, he must say, after reading the papers, that he disagreed with the conclusion to which the hon. Gentleman had come. He did not think that this intervention would be "mischievous and dangerous to the liberties of Portugal." He had seen the difficulties with which the Government had had to contend. He had seen them abused by the Cabral faction, which had been the cause of all the dissension in Portugal. While hon. Gentlemen were abusing the British Government for supporting absolutism, what was the language applied to them in documents which were circulated at Lisbon? He held in his hand what was called *An Appeal to the Loyal Portuguese*, which characterized the proposals of the British Government to the Queen of Portugal as degrading; so degrading, that "the enemy" (meaning the Junta) had not dared to propose them, and so injurious to the dignity of the Queen as to place the Throne below the level of the Junta of Oporto. This "appeal" called upon the people to rally round the Throne, and suggested that, if recourse must be had to foreign aid, they might have it from a neighbouring kingdom. When the House was called on to come to a conclusion on the subject, it was proper to see whether the British Government had encouraged the principles of absolutism, or had stood by the cause of constitutional freedom. That was the question. In his opinion, the British Government had stood by the cause of constitutional freedom; and the effect of their policy was to promote that cause. Sir H. Seymour spoke of the existence of a vindictive and persecuting feeling on the part of the advisers of the Queen: they met the proposal of an amnesty with universal disapprobation; and Sir H. Seymour spoke of this as being his great and almost his only real difficulty, but one which was insuperable. It was creditable to the British Government that they would not consent to sacrifice a single individual who had risen in defence of the constitutional rights of the people of Portugal. The Queen's party continued obstinate for a considerable time, not being disposed to consent to a full amnesty. The Junta very properly said that, looking at past events—looking at the little faith they could place in those about the Queen—they must have other guarantees than the mere declaration of the party opposing them, that such and such were the conditions on which hostilities would cease. The Junta was justified in the course they had taken. They had now laid down arms, or rather their arms had been wrested from them. This country, having gone so far, must go still farther. But he believed the people of Portugal would have confidence in any declaration made in conjunction with the other two intervening Powers, if that declaration was supported by a strong declaration on the part of the House of Commons. With that view he had proposed the Amendment. It was due to those who had risen in defence of their rights that such a declaration should be made. Who were those persons? Were they of the class who generally get up revolutions, *sans culottes*, and such people? Some hon. Gentlemen might have read an Address which had been pretty generally circulated by those representing the Junta in this country. In that Address they expressed the earnest wish of the Portuguese nation to be governed by definite and permanent institutions, such as could and would insure to the people the enjoyment of real constitutional freedom—institutions which would not be changed at the desire or through the insidious designs of a Minister—which would be felt in the equitable administration of the revenues—would secure person and property—and tend to promote the prosperity of the national resources. They desired that the public confidence might be restored by fair and equitable means. Were any Gentlemen prepared to dissent from those principles? They proceeded to say that it was from no impulse of the moment that the people of Portugal had acted: it was real wrongs which had led them to assume the attitude they had taken; and experience taught them that they ought not to abandon it till they had got guarantees that the system would not be a mockery, and that Ministers would be held responsible for their own acts. It was in defence of those principles that the Portuguese people were in arms. They were on the point of triumphing, if triumph it could be called to expel their Queen from her Throne, when the intervention took place. He hoped that the representatives of the people of England would agree to the resolution which he was about to propose; and, if they did so, it would strengthen the hands of Ministers, and give effect to the declarations made by the First Lord of the Treasury in his place in Parliament. He believed that the intervention which had taken place in the affairs of Portugal deserved the approbation and gratitude of every free and civilized nation of the world. These being his views, he begged to move, as an Amendment, that all the words of the Motion after the word "that" be omitted for the purpose of substituting the following:—

"Great Britain having become a party to foreign armed interference with the view of terminating the civil war now unhappily existing in Portugal, it is the opinion of this House, that on tranquillity being restored, it will be the duty of the British Government to endeavour, by all just means in its power, to secure to the people of Portugal the full enjoyment of their constitutional rights and privileges."

MR. MACAULAY: Sir, I have heard with great pleasure the Amendment proposed by the hon. Member for Finsbury. I beg to assure my hon. Friend, that in that Amendment is set forth, with great force and precision, the principles which have guided, and which will continue to guide, the conduct of Her Majesty's Government. The Members of the Administration feel that whenever the Government is, by an unfortunate necessity, compelled to depart from the general rule which prescribes abstinence from all interference with the internal concerns of foreign nations, it contracts a grave responsibility; and it is with a full conviction of this on their minds, that Her Majesty's Ministers have determined to interfere in the affairs of Portugal, and will continue to act on the principles which have hitherto guided their conduct. I see with the greatest pleasure that my hon. Friend, and others who, like my hon. Friend, were at first disposed to look with jealousy on the course taken by the Government, have, upon examination, found sufficient cause to change the opinion which they originally entertained. Sir, I am not surprised that such jealousy should at first sight be entertained as to the proceedings of Her Majesty's Government. There can be no doubt that the rule which condemns interference in the internal concerns of a foreign country is a sound general rule. There can be no doubt that, on the Minister who so interferes, the burden of proof is thrown to show the necessity of interference. There can be no doubt that he is bound to make out his case to the satisfaction of the public. In the present case it must be acknowledged that there are peculiar circumstances which make it one of great difficulty and delicacy: there can be no doubt about that. There can be no doubt—and this I shall acknowledge as a distinctive part of our case—that the Throne of Portugal has long been surrounded by evil counsellors. There can be no doubt that the most violent and unconstitutional measures have been adopted by the Court. There can be no doubt that some acts, which I am compelled to designate as cruel, have disgraced the history of the Portuguese Government. There can be no doubt that circumstances have occurred which justified the Portuguese people in receiving with distrust the assurances of the Portuguese Government. And I cannot wonder, therefore, that persons who dislike interference in general, and think interference with the international affairs of other nations a very bad course of policy, should look with peculiar jealousy at such an interference as this, of which at first sight the object might seem to be to rescue a Government which has committed grave faults, from the peril which is the natural consequence of misconduct. All this I admit; yet, admitting it, I am still convinced that Her Majesty's Government chose the least of two evils; and under such circumstances a choice of evils was all that was left to it. Considering our relations with Portugal—considering the civil war which is raging—considering the strong inclination to interference felt by foreign Powers, I hold it, Sir, to be clear that no course whatever exempt from inconvenience and risk was open to the British Government. Similar cases frequently occur in public and in private life. It comes within the daily experience of all men, that persons are frequently, without any fault of their own, placed in situations in which they must act, and in which every course they can take has its risks and its inconveniences. Now, it is not a fair way of reasoning to exaggerate the risks and the inconveniences of the course actually adopted. No argument against the course taken under the circumstances is sound, unless he who pronounces the condemnation gives us also his own line of conduct, and shows us good reasons for believing that that line of conduct would be attended with less objectionable consequences than that which has been followed. And remember, too, that in such cases those who have to defend what has been done, always speak at a disadvantage. You feel the inconveniences of the course which has been taken; of the course not taken you do not feel the inconveniences. They are mere matter of discussion and speculation. Why, you might deny *in toto* that there was any risk of their taking place at all. But of the course taken, you feel and know the evils. Under these circumstances, then, it is that I think Government is fairly entitled to call on every Gentleman who is in favour of the vote of censure under discussion to lay before the House not only a statement of the inconveniences admitted—and admitted to have arisen as inseparable from the interference which has taken place—but also to state to the House some plan of policy which would have avoided these inconveniences without leading to greater. No such plan of policy has yet been submitted to the House; and I doubt whether it be in the power of human wisdom to devise such a plan. I think that I see in every possible course, other than that which has been followed, inconveniences greater than those which have resulted from our policy. Sir, my argument rests upon the peculiar relations subsisting between England and Portugal. With many other Powers no such question as that which we are now discussing could have arisen. Suppose, for example, that a similar state of things to that of Portugal had occurred in the kingdom of the Two Sicilies, or the Grand Duchy of Tuscany—then, indeed, it might have been the duty of the Government to have sent a frigate into the Bay of Naples, in order to protect, and, if necessary, to carry away, British subjects and British property; but there the matter would have ended. No interference similar to that which has in this instance taken place, would have been the subject of any discussion. But our relation with Portugal is a most peculiar one — one without any parallel in European politics — without any parallel, I may say, in the history of the world. Sir, I do not remember anything which struck me more than, when looking over that collection of treaties with Portugal which we called for—a collection extending from the days of the Black Prince downwards—from the year 1373, and produced, not for the gratification of any antiquarian curiosity, but treaties still in force, and in active operation—when, looking over these early treaties of the fourteenth century, one thing, I say, most particularly struck me. It seemed as if those who framed these ancient documents had some presentiment of the length of their existence, and that they would completely outlive all the arts of war then in use; for to the stipulation for furnishing troops, archers, slingers, and galleys, to defend Portugal, contained in the first treaty with that country, a saving clause adds the condition, provided that these should be the means of defence then employed. This may be fortuitous; but has it not a singular aspect, in the middle of a treaty of the fourteenth century, to see such a clause as that? And, in truth, there is a great analogy between the manner in which these treaties were observed in the fourteenth century, and the manner in which they are observed in the nineteenth century—an analogy one of the most remarkable on record. Perhaps the noble Lord opposite, whose studies have been not a little directed towards those interesting and curious parts of history which belong to the times of chivalry, will remember Froissart's glowing description of how—in the year 1381 I think it was — the Portuguese ambassadors appeared before the Court of London—of the splendour of the pageant—of the magnificent reception which greeted them—of the presence of the representatives of the two great families in the realm (John of Gaunt, and Edmund Langley Duke of York), standing one on either side of the King—and how they addressed the Portuguese ambassadors—and how they told them to tell their fair Cousin of Portugal that what she wanted she should have; that Portugal was the friend of the friends of England, and the foe of the foes of England. And then, says old Froissart, the Parliament resolved that 500 archers and men-at-arms should be sent off to Portugal—ay, an expedition then, in the fourteenth century, just as the expedition of 1826, though armed in a different manner, sailed to protect the same country from danger from the same quarter. Such a close alliance between nations for 500 years, is almost without precedent; and let me recall, in connexion with it, a striking observation of Mr. Canning, that from the very first our treaties with Portugal had the character, not of mere formal diplomatic conventions, but that there was a force of fervent expression about them which bound the two countries in a far more kindly connexion. Why, in the very treaty I have mentioned, we bound ourselves to defend Portugal, by sea and by land, "against all who may live and die." Again, in 1661, the King of England "did profess and declare to take the interests of Portugal, and all its dominions, to heart, defending the same with his utmost power by sea and land, even England itself." And once more, in 1703, we confirmed our former engagements, and contracted new ones to the same effect in equally strong terms. Sir, there may be those who think that such relations as these were inexpedient for this country—a country so great and so powerful—to enter into. I hold, I confess, a different opinion. Any services we may have rendered to Portugal have been amply repaid. In all our contests, Portugal has ever been our friend. In the Seven Years' war, when France and Spain were leagued against us—when they attempted to incite Portugal on the same principle to join with them and help to free herself and Europe from the tyrant of the seas—then Portugal boldly refused their proffers. And yet it was a critical time for the Portuguese. The earthquake was recent, their capital in ruins, the king with scarcely a place to lay his head, a foreign army hovering on the frontier; still Portugal kept her faith, and acted up to the spirit of her treaties with England. Again, when it would have been easy for the House of Braganza to have made terms with our enemies, they preferred exile across the Atlantic to such a violation of their engagements. And then the soil of Portugal became the spot from which we moved the world. It was in Portugal that you fought your own battles, and successfully defended your own liberties. For nothing was more true than that passage in the despatches of our great military Commander — despatches which may outlive even the popular memory of his victories—nothing he ever wrote was more true than that sentence in which he expresses his belief that the question was between the defence of Portugal and the invasion of England. On that occasion Portugal suffered for us. By her devastation we were enabled to look in security upon our own cultivated fields; and as for those lines of Torres Vedras, they protected against spoliation and massacre a larger capital and a greater population than that of Lisbon, or that of Portugal. When that struggle was ended, you renewed, at the time of the general settlement of Europe, the treaties and conventions under which you had already acted. In consequence of those engagements, in 1826, you promptly sent to Portugal assistance against foreign invasion; and in 1834, when pretenders to the Crowns of Spain and Portugal—having to a great extent a common interest—made their appearance in the Peninsula, then, Sir, England took upon herself the defence of Portugal, and entered into the Quadruple Alliance expressly on the ground of our ancient, solemn, and special relations with that country. Thus, in this singular manner, are we bound up with a country which has now been for many months the theatre of a most disastrous struggle. If I be asked what the origin of that war was, then, Sir, I do not hesitate to say that I believe it was caused by the acts of the Portuguese Government. By violent and unconstitutional decrees, they banded against them large bodies of armed men professing to contend for freedom; and while the principles held by the Government, on the one hand, tended undoubtedly to despotism; on the other hand, you have opinions prevailing which as surely were incentives to regicide. Let it be remarked, too, that it was in the power of neither party effectually to control the body of its adherents. It was in the power of neither the Queen nor the Junta to meet on fair terms, whatever their inclination may have been. The Queen was held in a species of pupilage by her Ministers, who, whenever she was disposed to moderate councils, threatened to resign their civil offices and to lay down their military commands. Around the Junta had sprung up a crowd of adventurers eager for employment, and therefore ready to discountenance every whisper of peace. The country was uncultivated, trade was at a stand, British interests were suffering. But during several months the English Government interfered merely by preaching conciliation; by imploring the Court to act leniently and constitutionally; and by impressing on the Junta counsels of moderation. It is admitted even by those who blame the conduct of the Government—it is admitted even by the hon. Member for Montrose—that the principle of non-interference had never been more ably put forward than by the papers of my noble Friend (Lord Palmerston) during the first months of the conflict. But they say, and he says, that then there came a change —that then came interference. There must be some mysterious cause for this—some strong influence which I cannot describe, cries one—some backstairs intrigue, which I need not particularize, says another. Now, for my own part, I should have been inclined to say that, on the simplest inspection of these papers, the reason for the change will be seen on their face, and cannot be mistaken. It is this—while the question was a purely internal question, the English Government interfered only by counsel, exhortation, and friendly offices. But it afterwards became an international question, and then Government could refrain from interference no longer. An attentive examination of the despatches will show that England ceased to follow the strict course of non-interference when the question ceased to be an internal question of Portuguese politics. And I may ask the hon. Member for Montrose, however much he may be attached to the general principles of non-interference, whether he will not admit that sometimes the internal policy of a country becomes its international policy—and that in such a case, the general principle of non-interference ought to be, and is frequently suspended? Two remarkable instances of this kind have been alluded to in this debate. We interfered under Queen Elizabeth in France. "What," it may be said, "did it signify to us whether the Government of France or the League got the better?" But the success of the League would have increased the power and the influence of the House of Austria, already too formidable in Europe; while, on the other hand, the success of Henry IV. tended to preserve the balance of power against Philip of Spain, and add to the security of England. Thus was the principle of interference justifiable. So, again, as to the States General, when they interfered in our internal policy in 1688. They saw safety in the predominance of the Orange party. If William III. were to be on the Throne of England, the balance of power would be preserved as against France; but were James II. on the Throne, he would have made England the vassal of France. That circumstance took the case of England out of the general rule; and such was the reason always advanced by the States General to justify their interference. Now if it be admitted that the rule of non-interference ceases to apply when the question becomes international, then certainly the rule does not apply to the present case. Is it not clear, that at the end of March or beginning of April, the question of interference was begun to be debated by other nations? I hold it, Sir, to be quite clear, that Spain did contemplate and fully resolved upon interference. One hon. Gentleman who spoke, is unable to find out the slightest trace of the probability of Spanish interference. Why, Sir, there is the note of Mr. Bulwer of the 5th of April, 1847, and what does it say?—

> "Neither," it proceeds, "ought I to conceal from you, that, although the Spanish Government will be delighted that in this negotiation the representatives of the Allied Courts, accredited at that of Her Most Faithful Majesty, and who signed the Treaty of the Quadruple Alliance, should take part; yet this will not hinder, should it by any event not be possible for the Four Powers to agree and act upon a common and thorough understanding, should a case of urgent necessity occur, that the indispensable remedy would be applied, particularly endeavouring to do so in accordance with Great Britain, and to carry out the intervention in the manner and on the basis which might be determined on between the two Governments. I must, however, state to you, that in the event of a sudden crisis, during which the Throne of Donna Maria de Gloria might be overthrown, the Spanish Government could not possibly consent to such a catastrophe, and would act alone, and of its own accord."

Again, there is the note of Mr. Bulwer, commenting on the language of M. Pacheco. What do we find in it? Our Ambassador says—

> "I however think that M. Pacheco's real wishes are to arrive at some fair transaction in favour of the Queen, in concert with ourselves; that he has no wish to interfere at all with an armed force, and is not likely to do so without our concurrence. But at the same time, I think, that the means he will adopt for arriving at a transaction, may be too calculated to elate the hopes of one of the parties, and thereby prevent its making reasonable concessions; and that, under certain circumstances, he may be disposed, and even compelled from the position in which he will find himself placed, to enter into Portugal without concert with us, and even contrary to our wishes and opinions."

I say, therefore, Sir, that it is perfectly clear that an armed interference was contemplated by the Spanish Government; and I think it must also be added, that the French Government conceived that in taking that course, the Spanish Government would be acting warrantably. Thus, after having laboured, while the question was an internal one, to settle it by good offices, advice and mediation, you find that it had ceased to be an internal question. Circumstances change—events thicken—Spain collects her troops upon the frontier, and declares that in certain cases they shall enter Portugal. France again declares that, in her opinion, Spain has taken a just view of her rights. These, then, are the circumstances under which you have to consider what is the best course to adopt. But here let me ask, in what sense I am to understand non-interference? Do you mean merely to rest passive, without intimating to other Powers that they must not interfere—or are you to say, we shall not interfere ourselves, but we will interfere with Spain if Spain interferes with Portugal. Well, now compare the inconveniences of either of these courses with the inconveniences of that actually adopted. That is the whole question. Now, as to saying absolutely we shall not interfere—Spain and France may do so if they please—they may occupy Portugal, they may act just as it suits them, but we shall leave the affair absolutely alone: to have said that, and adopted that course of policy, would, I conceive, have been disgraceful to this country. Considering our ancient, our historic, our intimate relations with Portugal, such a course would have been nothing less than a complete desertion of the position England has always occupied; and had we adopted it, and allowed Spanish interference to take its course, then that interference would unquestionably have placed the liberties of Portugal and the lives of the Junta in a much more hazardous position than that in which they now stand. I mean to say nothing disrespectful—quite the reverse—of the Spanish people or Government; but certainly the observance of leniency to the vanquished in civil strife, has not of late years been carried by them so far as a humane man might wish. And I believe that there is not a single member of the Junta, or attached to the cause of the Junta in Portugal, who, if you asked him "whether—supposing an armed interference did take place—would you prefer as the interfering Power, Spain or England?" would not answer at once "England." If it be so, Sir, then I conceive that the course which we have followed is clearly a better course than that of leaving France and Spain to interfere, according to their own good pleasure. But there remains still another line of alternative policy. We might have said, we shall not interfere ourselves, but we will interfere with whoever else interferes. But, Sir, would any Member of this House counsel us to risk a threat without being prepared to risk a war? Would you tell Spain, "You shall not do what you wish to do, and what France thinks you are justified in doing?" Why then there would be war. ["Hear!"] I am not deaf to that cheer—I can well conceive that there are those to whom such a course would have its charms. See what thirty-two years of peace have done for civilization, for humanity, and good government; and when you compare the state of Europe during those thirty-two years of peace with what it was during the twenty-three years of war, that man, I say, incurs a grave responsibility who would set the first spark to the mass of combustible matter which, once exploded, could end in nothing but general European conflagration; and whether such a war would cease in 1850, 1860, or 1870, it is beyond the power of the wisest man living to prognosticate. I say, that unless you can show that what has been done is something so pernicious, that to avoid it we ought to have incurred the risk of European war, you must admit that we have done right. I think the hon. Member for Finsbury talked somewhat too lightly of war; but I quite agree with him that we should not give up to the Queen of Portugal the head of one of the Junta, to avoid war with all the Powers of Europe. I agree with the view taken by Mr. Fox, who, though the great advocate for peace, when some one hinted that Bonaparte might require the expulsion of the Bourbons from England, said—

> "I never was a friend to that family—they are a bad family; but for the worst Bourbon that ever sprung from their stock, I'd go to war rather than that England should abjure the rights of hospitality."

I recommend no disgraceful, no injurious, no pusillanimous course; but I say that if it was possible to effect any settlement which would be just, which would be humane, which would be favourable to the liberties of Portugal, and if by so doing we could avoid these two evils—the infamy and degradation of giving up Portugal to the absolute disposal of Spain, and the risk of a European war — such a settlement it was our duty to make. The strongest invectives have been pronounced against the Queen of Portugal and the Cabral party; but every invective against the Queen is the best panegyric on her conduct. Loud complaints have been made of the cruel and severe punishments which have been inflicted on those who have taken up arms against the Queen. But what is the first article of the conditions on which we have insisted? It establishes an absolute and complete amnesty; and if you draw an inference unfavourable to the humanity of the Portuguese Government from their having so long refused to agree to those terms, you should also have drawn the inference that, if they did agree to them, it was impossible they could refuse strictly to observe and execute those terms. Why was it worth their while to battle so long upon the subject, if they were about to make a promise which they knew they could break? The Portuguese Government said, "We will inflict no capital punishments; but let us have some persons sent out to the colonies." "No," we replied, "we cannot consent to that." "Then," said the Portuguese Government, "they shall not be consigned to a cruel and miserable exile; they shall not be sent to Africa; they shall be sent to Paris; they shall remain there till peace and order are restored in this country, and their fortunes shall be remitted to them." What was the answer of England? "Not one mile from the territory of Portugal." The Portuguese Government still asked, "Let them be exiled for 18 months?" "No; not one." "Only for 16." "No; not one." "Only for 10." "No; not one;" and to these terms we adhered to the last. Those who talk of us as having shown a pusillanimous desire to avoid a collision with France or Spain, should remember that in order to avoid any such collision, we would not have consented to the banishment for ten months to Paris of one member of the Junta. As far as respects the amnesty, then, I think our case is complete. The second article provides that all the unconstitutional acts of the Government shall be rescinded. The Junta complained, and most justly, that the assembling of the Cortes had been improperly delayed; but the second article of the conditions entered into by the Queen of Portugal provides, that the Cortes shall be called together at the earliest possible period. The fourth article of the conditions provides that no member of the Cabral party shall form part of the Government. [An Hon. MEMBER: How do you guarantee that?] I cannot conceive that you can very easily have a better guarantee than this, that instead of being an agreement between the Queen of Portugal and her subjects, this is an agreement between the Queen of Portugal, and England, Spain, and France, who possess the most undoubted power to compel the Queen of Portugal to observe the conditions to which he has assented. This, in my opinion, is a full justification of the course which has been taken by Her Majesty's Government. I think it right to call the attention of the House to one circumstance which has been alluded to, in order to put an end to all misrepresentation on the subject — I refer to the manner in which the orders of the British Government were carried into effect. I do not conceive, even if the officers commanding on the station had neglected to send a proper notice to the authorities at Oporto of the course they intended to pursue, that that circumstance alone would justify any one in adopting the views of the hon. Member for Montrose; but, at the same time, it is the duty of a Government, when the conduct of those who have served their country well and faithfully has been impugned, not to pass by the first opportunity of vindicating them. I say, that fuller and fairer notice never was given than was given in this case; and if any person who has the means of knowing the circumstances denies this statement, I will only say that I think he cannot deny it conscientiously. The following is a letter written by Captain Robb, of the *Gladiator*, to the Secretary of the Junta for Foreign Affairs:—

> "His Excellency Senor Jose Passos, Secretary

of Foreign Affairs, Provisional Government, Oporto, Her Majesty's ship *Gladiator*, May, 23, 1847.—Sir: Having transmitted to your Excellency, through Her Britannic Majesty's Consul at this place, the wishes of Her Britannic Majesty's Minister at Lisbon, relative to the cessation of hostilities, until the delivery of the letter with which I am charged to his Excellency the Conde das Antas, and having received no reply to that letter, I have the honour to acquaint you that I am commanded by Vice-Admiral Sir William Parker, Bart., G.C.B., that if any demonstration is made on the part of the naval force of the Junta for quitting the Douro, to warn the Junta of the probability of their being stopped by a British force wherever it may be met with.—I have the the honour to be, &c.

(Signed) "JOHN ROBB, Captain."

Senor Jose de Passos, in his answer, says—

> "It is, therefore, that the undersigned saw with great regret that you declare, in conformity with the orders of his Excellency Admiral William Parker, that in case of the ships of the national squadron leaving the port, they will probably be detained by a British naval force."

Under these circumstances, I defy any person to say that as full and fair warning as could be given was not afforded to the Junta. I have now really nothing further to say than to thank the House for their indulgence. I may, however, shortly sum up the case thus:—I say it was utterly impossible for us, related to and connected with Portugal as we are, to observe the ordinary rule of non-interference; for, the moment that France and Spain had shown an inclination to interfere, if we had not interfered, and if we had not at the same time suffered them to interfere, we should have lowered England to the very bottom of the scale of nations. If we had not interfered, but had declared that we would go to war with France or Spain if they interfered, we should, in my opinion, have taken upon ourselves a most terrible responsibility, and we might not impossibly have plunged Europe into a general war. Nothing remained but to interfere boldly, justly, humanely, and with a desire for peace. I defy any one to read the articles to which the Queen of Portugal has assented, and to say that this has not been the character of our interference. There were three objects, almost incompatible with each other, which we had, if possible, to maintain, and to maintain in such a way that by maintaining one we should not run the least hazard of not maintaining the others — the dignity of England, the liberty of Portugal, and the peace of Europe. We saw only one way of maintaining these objects. If our policy was right, I think there will be little dispute about the manner in which it has been carried into execution. It will scarcely be doubted that the means were adapted to the end, and that the instruments were sufficiently well chosen. I can only repeat to my hon. Friend (Mr. T. Duncombe) that we feel with him that the interference we have been compelled to adopt, does lay upon us the duty so emphatically set forth in the Amendment he has moved; and I will only add that our consciences acquit us—and I hope the vote of this House will acquit us—of having, in this most difficult and embarrassing conjuncture, failed in any part of our duty towards England, towards Portugal, or towards Europe.

LORD G. BENTINCK said, every Member of the House must sincerely believe the statement of the right hon. Gentleman (Mr. Macaulay), that he had heard with much pleasure the Amendment of the hon. Member for Finsbury. The Government must no doubt have been highly delighted to find the hon. Member for Finsbury, who was pleased to make some reference to that side of the House, come forward with words of liberty on his lips, but with the love of despotism in his heart, to save them from a vote of censure for their interference in the internal concerns of Portugal at a moment when it was admitted that the interests of the Queen of Portugal had become desperate. The right hon. and learned Member for Edinburgh had entered into a very interesting history of various interferences which had taken place in the affairs of Portugal; but in making that statement, he forgot to mention one circumstance which had occurred in that history; and it was this—that when Philip II. of Spain sought to conquer Portugal, the method he had recourse to for that purpose was one which he (Lord G. Bentinck) thought Her Majesty's Ministers had successfully practised on the present occasion—he persuaded the leaders in Portugal to mix sand with the powder of their troops. And so on this occasion Her Majesty's Ministers had prevailed on the hon. Member for Finsbury, and those other hon. Members who were so ready to profess a love of liberty, to mix sand with their powder. The right hon. and learned Member for Edinburgh had not ventured to defend the proceedings which had led to the insurrection in Portugal; and whilst he found himself quite unable to defend the principle of interference in the domestic concerns of another country, he appealed to the House upon the danger which would have attended any other course. He said, "that the Government would have incurred a serious responsibility had they ventured to risk a war for the settlement of the affairs of Portugal — that there were but two courses to pursue, either that England might look on and not interfere at all, or else she might threaten an interposition in case any other nation interfered, and prevent such interference." The right hon. and learned Gentleman read extracts from the despatch of Mr. Bulwer, at Madrid, of the 7th of April; but, following the example of the noble Lord at the head of the Government, who read the despatch of the 5th of April, he had altogether omitted to read the despatch of the 6th of April. If the noble Lord and the right hon. Gentleman had not found it convenient to skip over that most important despatch of the 6th of April, the House would have been informed that at that time Her Majesty's Ministers were not afraid to incur the risk of intimating to the Government of Spain that it would be a serious affair if they interfered without our consent; which intimation was perfectly efficacious. It was true, as the noble Lord had stated, that on the 5th of April, M. Pacheco expressed a desire for an interference in the affairs of Portugal, and threatened to send troops to the frontier. But on the following day, Mr. Bulwer had an interview with M. Pacheco, and distinctly said to him—

> "'You must be aware that to interfere in Portugal without our concurrence is a serious affair.' The answer of M. Pacheco was, 'Oh, of this rest assured, we will do nothing without your concurrence.' Mr. Bulwer asked, 'Am I to be quite sure of this?' And M. Pacheco answered, 'Quite; and it seems to me that we are adopting your ideas when we mean to propose conciliation; we intend to maintain with you the most cordial relations on all questions; we have just refused the demand of the Portuguese Government for an auxiliary legion.'"

Well, then, what ground was there for supposing that Spain would interfere against our wishes, or that there was a risk of war if we did not interfere? Then, with respect to France, he was at a loss to discover in any or all of the documents any determination expressed on the part of France to interfere, contrary to the will of England. So far from that, the utmost that M. Guizot or M. St. Aulaire at any time said was this, "that they would be prepared to consult with their allies as regarded any interference in the affairs of Portugal." The noble Lord at the head of the Government, and the right hon. and learned Member for Edinburgh, had stated that they would be extremely sorry to belong to any Government that abandoned our ancient ally the Queen of Portugal; but they seemed to him to have left altogether out of their consideration the people of Portugal. And when they spoke of the ancient treaties with Portugal, and when the right hon. and learned Gentleman quoted the language of the Treaty of 1661, in which the King of England of that day, "in consideration of the great increase to his dominions which he had received from Portugal, and in consideration of the dowry which he had received with the Princess of Braganza, engaged that he would take the interest of Portugal to heart, and defend her and all her dominions as if she were England herself," Her Majesty's Ministers appeared to forget that there was some difference in this phraseology from that usually to be found in treaties of this kind. The treaty did not engage to defend the Duke of Braganza of that day, and his heirs for ever; but to defend the interests of "Portugal and all her dominions." And the question now was, whether we were bound, in virtue of any treaty which now existed with Portugal, to fly to the assistance of the Queen of Portugal against her own people who were in arms against her. If ever there was a question of doubtful interference, this was it, when it was frankly admitted by the papers laid on the Table, that up to the time of the active interference of the Allied Powers, "the Queen of Portugal possessed no territory in Portugal except the capital and those spots which were in the actual occupation of her military forces;" and it could not be denied that this was not an insurrection supported only by the lowest classes of the people, but an insurrection that had united under its banners people of all politics, Pedroites and Miguelites, Chartists and Septembrists; and when out of 126 of the ancient nobility of Portugal, 9 only were to be found on the side of the Queen's Government. He asked, then, whether there had ever been an instance of so flagrant an interference in the internal concerns of that nation. Indeed this did not admit of a doubt. It was acknowledged by the noble Lord in his despatch of the 5th of April; it was stated by him truly and frankly that the whole question was, "who were to be the responsible Ministers of the Crown of Portugal for the administration of the affairs of that country." Now the noble Lord and the right hon. Gentleman had both held up to something like ridicule those who would have ventured to recommend a different course of proceeding on this occasion. Surely the noble Lord must have forgotten the course which was taken by the Government of which he and the noble Secretary for Foreign Affairs were Members in the year 1833. At that time the Government of Lord Grey took precisely such a course. On that occasion a Motion was made in the other House to recommend the acknowledgment of Don Miguel; and another Motion in this House was made at the same time of a similar character. The noble Lord then, as now, at the head of the Foreign Office, on the 6th of June, speaking of the conduct of Lord Grey's Government said—

> "This Government did say to the Government of Spain, we have determined to remain neutral, and by that determination we will abide; but if you act upon a contrary principle, and interfere by force of arms in the contest about to be waged in Portugal, we pledge ourselves that when you take part with Don Miguel, we shall deem it necessary for our interest to take part with Donna Maria."

Was not that a case in point with the present? Don Miguel was King of Portugal *de facto* in 1833; and yet the noble Lord at the head of the Government and the noble Lord at the head of the Foreign Office gave this advice to William the IVth. And it had the desired effect. Spain was silent —Spain did not move. So likewise at an earlier and a more brilliant period of our history. When, in 1826, France and Spain made a question of interfering in the affairs of Portugal, Mr. Canning—then in the Foreign Office—warned France "that he would not permit any aggression on Portugal." Spain had actually invaded that country in the cause of Don Miguel. Mr. Canning instantly interposed, and despatched 5,000 troops to Lisbon. The noble Lord at the head of the Government said that the interference of this country on the present occasion was not an interference to favour, but to put down despotism. The noble Lord, however, held different language in 1833 in reference to the same state of circumstances. The language of the noble Lord with respect to Don Miguel was to the effect that nothing could be more preposterous than to expect an amnesty from that prince in favour of the constitutional party. Referring to Don Miguel, and speaking of his predecessors in office, the noble Lord, said—

> "They (Lord Grey's Government) then found, indeed, that the recognition had been proposed to him by their predecessors on the condition that he would grant an amnesty. But a more unfortunate proposition there surely could not have been made. It was a condition, the fulfilment of which required at least the possession of good faith and humanity on the part of the person upon whom it was imposed; and it was a mere mockery to demand such a condition from a prince who was notoriously deficient in both those requisite qualifications."

Change the names and substitute the Queen of Portugal for Don Miguel, and there would not be a single word misapplied. And yet the noble Lord, when asked what guarantees would be given for the observance of terms towards the insurgents in Portugal, said "he would give as a guarantee the good faith of the Queen of Portugal!" If, however, guarantees on the faith of Don Miguel were looked upon by the noble Lord as mere mockery, in 1833, what else was that of the Queen of Portugal at the present moment? The Queen of Portugal was proverbial for her breach of engagements. She had broken her coronation oath, in which she had sworn to maintain intact the Charter of 1826, granted by Don Pedro. And that she did upon no provocation that could be learned, except that the people of Portugal, disgusted with the corruption and oppression of the Court, gave unmistakeable signs that the elections would not be satisfactory to the Court; that deputies would be returned to the Cortes, who were pledged to the expulsion of Dietz, and to the impeachment of the Ministers, who had so fearfully mismanaged the affairs of the kingdom in every respect. No people could have a more legitimate cause of quarrel than the people of Portugal had with the Cabral Government who ruled the country at that period. By a persevering course of venality and corruption, the Cabrals had entirely destroyed the finances of Portugal; while, at the same time, the taxes which they laid on for the purpose of rewarding their party wore a character of oppression almost unheard of. Some of these corruptions and oppressions would excite astonishment in the minds of those who heard them. They maintained on the army estimates 19,000 men, no more than 10,000 were to be found on the muster-roll. All the offices in the army were sold by the Cabrals, and the officers so appointed in their turn had recourse to a system of plunder to indemnify themselves. Every office in the State was sold by them—the office of Judge was not spared; and all this for the purposes of private peculation. These things were known to all Portugal. It was also known that five years before, Costa Cabral, at the age of 33, the son of a shopkeeper in the province of Minho, had only an official income of some 800*l.* a year; and yet at this moment he was believed to be the richest man in the country, having recently purchased immense estates—one of them being that from which he took his title of Conde de Thomar—a confiscated property said to be worth 7,000*l.* a year; A sanatory act was procured to be passed by the Cabrals, the intention of which was to create no less than 4,000 offices wherewith to reward those persons employed under them, who were to be paid by fees, fines, and other iniquitous and oppressive modes of levying money. Great and grievous oppression was practised upon the population under the pretence of sanatory laws: for example, an imposition of 10*s.* on burials. To enforce it, the corpses of those whose friends were unable to pay were interred in unenclosed grounds, whence they were torn from their graves by dogs and swine, to the utter horror and disgust of the population. Maria da Ponte, the woman with whom the revolution in Minho commenced, had taken the dead body of her child, and insisted that it should be buried within the churchyard of the village. The priest grounded his refusal upon the actual law. The poor woman, unable to pay the fine, insisted that her demand should be complied with—other women joined with her—the military were called in—an insurrection took place—and the peasantry, though half-armed, defeated the military, and in a few days all Portugal rose in arms with one voice calling for the expulsion of the Cabrals. Another subject of complaint was, that the contract for the tax on tobacco, though never sold before for more than ten years, was sold for twenty-three years. The same occurred with the contracts for the taxes on soap and other articles. The contracts were disposed of and the people were plundered to enrich a notoriously corrupt Administration. Twenty laws were passed by decree, without any reference to the Cortes. At the elections the military were marched in to vote by companies. Vote by ballot is the law of Portugal; but Ministers, by having papers of a peculiar form and colour, knew how each man voted. One of the enactments of the constitution was that the military should not be allowed to interfere in elections; but here it was found that the military not only interfered by voting, but they also interfered by force, and blood was spilled by them in many places, even within the walls of the churches where the elections in Portugal are held. If ever there were a people that had a right to rise against a Government, they were the Portuguese. A poll-tax of 20*d.* a head was imposed on all the people of Portugal—the rich and the poor. This poll-tax was laid on under pretence of maintaining the public roads in Portugal. The conditions attached to it were, that when a peasant was unable to pay his taxes, they might be commuted for eleven days' labour on the roads. This grievance, great in itself, was still felt to be further increased in its wrong, inasmuch as the contracts for the public roads were made the means of the most notorious jobbing: they were sold to companies, and these companies being entitled to charge 5 per cent upon the outlay, took good care that the outlay should be as extravagant as possible, with a view to increase the per centage; so that works which might be done for 100*l.*, univerally cost three or four times that amount. It was notorious—the fact could be shown on proofs that were not to be resisted—that Jose Cabral made 50,000*l.* on the contract for public roads between Lisbon and Oporto. The peasantry felt whilst commuting with eleven days' labour on the public works, for a tax they were too poor to pay in money, such labour was not given for the benefit of the country, but for the advantage of those who had obtained the contracts. These exactions roused the people. The Juntas assembled in all parts of Portugal, and the Cabral Ministry was deposed in May 1846. But no sooner had the people obtained a Government such as they wished—no sooner did they feel convinced that justice would be done and their grievances redressed—than they laid down their arms. In a few days universal peace reigned throughout Portugal, and the people so conducted themselves as to prove that they were most worthy of a constitutional form of government. The Queen in a proclamation, in which she said, "Portuguese confide in me!" promised that all their grievances should be redressed. But the elections were close at hand: they were to take place in the month of October; and the constituencies were pledging the candidates to the expulsion of M. Dietz, the King of Portugal's secret adviser, and were calling for the just impeachment of those bad men, who for five consecutive years had been committing so many breaches of the constitution, and had been guilty of so much oppression. For these reasons, and no others, the Queen of Portugal, on the night of the 6th of October, in breach of her coronation oath, and of every article of the constitution, sent for M. Palmella and the military governor of Lisbon, put them under arrest, placed the King Consort in command of the army, and appointed a new Ministry; and although Cabral was not actually a member of it, still it was to all intents and purposes a Cabral Administration. Was not the natural consequence of such a proceeding as this—of such a breach of faith as this—that the country should rise in arms? Although the people were taken by surprise, still they armed, and were on the point of obtaining complete redress—not of dethroning the Queen, for nothing of the kind appeared in any part of their proceedings. Nothing could be more moderate than the declaration of Das Antas, as chief of the Junta of Portugal; he called upon the Queen to do that which would inspire the people with confidence, and they would lay down their arms submissively, as on other occasions. The noble Lord here read an extract from the address of Das Antas to the Queen, requesting

> —"Her Majesty to dismiss the Ministry which had made so unhappy an essay in their administration, and to appoint another which should inspire the people with greater confidence, in which case the people would lay down their arms as they had done on other occasions. Such was the petition which the undersigned members of the Junta ventured most respectfully to place in the hands of Her Majesty."

He wanted to know then what pretext there was for ascribing to this Junta that they were a set of regicides? It was true that amongst the papers there was a wild sort of proclamation; but our Minister in Portugal wrote to the Secretary of State to say that he had been entirely unable to procure a single copy of the proclamation, and further that not a single name was attached to it. He asked the House were they to take this anonymous proclamation, which, for all that was known, might have been the work of the Cabralists themselves—were they to take this proclamation in preference to that which was officially put forth in the name of the Junta? And when violence was alleged against the Junta, could any conduct contrast more favourably with that of their opponents than did the conduct of the Junta with that of the Queen's partisans? We had as a contrast the conduct of the Queen's troops at Braga. We find them putting 150 persons to death, and only making a single prisoner. Every one must understand how it occurred that no prisoners were made; it was, no quarter was given, and killing was the order of the day. Did the troops of the Junta follow this barbarous example in the province of Minho? There we found that the troops of the Junta were successful, and that they were enabled to capture 139 prisoners. But there was no murdering of prisoners—no blood was unnecessarily spilled. And—attend to this—when the troops of the Junta were represented as driven to frenzy by learning that those officers who had capitulated at Torres Vedras, on the understanding that they were to receive all the honours of war, had been embarked for a penal settlement, and embarked, too, in a vessel calculated only to contain half the number put on board, and furnished, according to the surgeon's report, with provisions sufficient to maintain but half that number—when the soldiers of the Junta were driven to fury by the discovery of this outrage, and were about to retaliate on the Duke de Terceira and the officers imprisoned in Oporto; the Junta interfered, and were guilty of a pious fraud—the only fraud of which they were guilty—under pretence of greater security persuading the troops to give up their prisoner, really that he might be sent to a place where his life would be safe. Well, we were called on to interfere to assist the cause of liberty, and we were now told that the constitutional liberties of the Portuguese would be best protected by refusing to cast censure on Her Majesty's Ministers. What guarantee had we, even up to the latest period, that the Queen of Portugal repented of the violence of which she had been guilty? Why, even so late as the 5th of January last, after our Government had interposed, we find that between 350 and 400 political prisoners were made in the city of Lisbon. Two of those gentlemen had called on him yesterday; one of them was M. Manoel de Vilhena, nephew of the Marquess Saldanha, and he stated the nature of the treatment he and others had received. This gentleman had been laid up for some time in a sick chamber, and had taken no part whatever on either side. He was walking unarmed one evening in the street, when he was suddenly seized by the police and hurried off to one of the principal dungeons in Lisbon. There he found he was in company with between 300 and 400 other political offenders, no one of whom knew what they were accused of, or who were their accusers. They were crowded together in a dungeon, and mixed up with between 700 and 800 felons. There they remained for twenty days, refused permission to see fathers, mothers, wives, or children. There they remained until the 29th of April, twenty days after an intimation had been given by Sir Hamilton Seymour that the Government of England would interpose by force in the quarrel; and there they would probably have remained as prisoners till this day, had not the prison been broken open and the prisoners released, when some seventy or eighty were butchered by the troops of the Queen of Portugal. What guarantee had we in the conduct of the Queen of Portugal's Government that any disposition would be shown by the Queen when again invested with power to govern her people with justice and humanity? The noble Lord the First Minister of the Crown might say—"Gentlemen ask what kind of guarantee have we that these terms will be maintained? I answer, we have given the Junta the faith of the Queen of Portugal, as pledged to the Allies." But the noble Lord had crushed the spirit of independence, and had broken the heart of freedom in Portugal. And though it was true some appearance of kindly government might be kept up for a little while, how was it possible for the Queen of England to secure the satisfactory government of the whole of Portugal, so as to give contentment equally to the people of Lisbon and to those of Oporto? The noble Lord told the House that he had alike proscribed the Members of the Junta and the party of Cabral; but who was to tell of whom the party of Cabral consisted? And this was all the guarantee for the liberties and prosperity of the Portuguese nation, and that they were to be allowed to enjoy those full rights and privileges conferred on them by their constitution! When it became a question of who should be the responsible Ministers of the Crown of Portugal—of what persons that Administration should consist, and who should govern the affairs of the nation —was not the plain course to take to let the victorious party claim the administration, just as in this country the victorious party claimed the administration from their Sovereign, whenever the people became uneasy under their governors, and desired a change? He did not know what the meaning of constitutional government was, unless it was this—that when a contest arose as to how the civil affairs of a country were to be conducted, that the party who gained a majority in the Legislature should be invested with power to conduct the affairs of Government. He felt that there never was an instance in the whole history of this country in which Government had interfered in the domestic concerns of another country with so little of justice on its side. And he considered, from the course pursued by Government, the greatest blow imaginable had been struck at free government in Europe. How could it be expected that the people of Portugal, after this, would venture to make any constitutional exertions to change their Government, let them disapprove of it as they might? They had made efforts—they had secured a majority—but no sooner were they on the eve of success, than the Government of the Queen of England interposed, and sent Her navies—yes, prostituted the Navy of England—to make prisoners of those who, in a just cause, had ventured to rise in arms against a tyrannical Government. He said "in a just cause," for it was laid down by one of the greatest writers and highest authorities ont he laws of nations by Vattel, "that to attack the constitution of the State and to violate its laws, was a capital crime against society; and if those guilty of it are invested with authority they add to this crime a perfidious abuse of the power with which they are entrusted. And it became the duty of the nation to suppress them with its utmost vigour and vigilance." It was, therefore, clearly the duty of the Portuguese people to repress with the utmost vigour and vigilance all implicated in such an abuse of power as that of which the Queen of Portugal had been guilty. He believed that we had taken a part that would entail future difficulties upon this country. He did not know how, after this, we could ever prevent interference, and say to any other country, "You shall not meddle with the affairs of your neighbours." Should it be the pleasure of the

King of the French to interfere in the government of Spain, and should Louis Philippe discover some convenient excuse for deposing Queen Isabella and making the Duc de Montpensier reign in her stead, he did not know with what face we could forbid the King of the French from so doing. He believed that the course we had pursued was at variance with all we had done for the last twenty-seven years. From 1820, when the celebrated circular of the British Cabinet was issued to the Allies of Great Britain, deprecating foreign interference in the affairs of Italy, those by whom the councils of the King of England had been guided had incessantly laboured to prevent undue interference with the internal affairs of other countries. How differently the Duke of Wellington acted, when the French nation, for the offences of Charles X., which were as nothing compared with those committed by the Queen of Portugal against the Portuguese people, thought fit to depose that prince! He (Lord G. Bentinck) believed that by the return of post the noble Duke recognised the choice of the French nation of Louis Philippe as *de facto* King of the French. The same in respect to the affairs of Belgium. We saw the people of Belgium resolved to cast off the yoke of the King of Holland—we did not interfere to stop them. But with regard to Portugal, how the course we have been pursuing contrasts with that pursued by Mr. Canning in 1826, and in the years preceding 1826! So anxious was Mr. Canning that England should not appear even to interfere with the affairs of the people of Portugal, that when Sir C. Stuart permitted himself to be made the bearer of a constitution from Don Pedro, then in the Brazils, to Lisbon, Mr. Canning despatched, by an extraordinary packet, an order calling Sir Charles Stuart home, sending the positive commands of the King himself that he would not protract his stay at Lisbon for a single day; so deeply did Mr. Canning feel that the honour of this country had been compromised by Sir Charles Stuart. And it was within his (Lord G. Bentinck's) knowledge, that whereas Sir Charles Stuart had been promised a Peerage if he succeeded in the legitimate object of his special embassy to Brazil, Mr. Canning felt so deeply the false position in which Sir Charles Stuart had placed this country, by allowing himself to be the bearer of the constitution, that he was of opinion that Sir Charles had forfeited the title otherwise so well earned to his Peerage; and it was only by the intervention of the late Lord Bathurst, that the Peerage was finally granted to Lord Stuart de Rothesay. What was the language of Mr. Canning to the House of Commons when on the 12th of December, 1826, he moved the Address on the King's Message respecting Portugal?—

> "We go to Portugal," said Mr. Canning, "in the discharge of a sacred obligation contracted under ancient and modern treaties: when there, nothing shall be done by us to enforce the establishment of the constitution, but we must take care that nothing shall be done by others to prevent it from being fairly carried into effect; and with respect to external force, while Britain has an arm to raise, it must be raised against the efforts of any Power that should attempt forcibly to control the choice and fetter the independence of Portugal."

That is the great principle on which this nation has hitherto acted, and it has succeeded. If we cannot afford to hold high and just language now, when we have an unanimous people on our side, how was it we did so in 1826? The conduct of Her Majesty's present Ministers presents a sad and sorrowful contrast to that of Mr. Canning in 1826, when, with right on his side, and feeling that we were bound to the people of Portugal by the ties of ancient alliance, he feared not the frowns of France, and still less the threats of Spain. But now, however, though Spain is our insolvent debtor for 70,000,000*l.* sterling, we are to be told, forsooth, that we must submit to be bullied and browbeaten by Spain. If the noble Lord be confident in the sense of right and in the justice of England, and disputes not the justice of the cause of the Portuguese people, how much better it would have become him to have held the language of Mr. Canning; and as Mr. Canning did, to have thrilled the heart of every Member of that House with a repetition of Mr. Canning's proud declaration with which he concluded that celebrated Address—"We go to Portugal, not to dictate, not to rule, not to prescribe constitutions, but to defend and to preserve the independence of an ally. We go to plant the standard of England on the well-known heights of Lisbon; and where that standard is planted, foreign dominion shall not come."

Dr. BOWRING moved that the debate be adjourned.

Mr. BORTHWICK wished before the question was put, to say one word in explanation. He had made a statement in the early part of the evening that no categorical answer had been given to Senhor Jose Passos, Secretary of Foreign Affairs to the Provisional Government at Oporto, to his inquiry whether, if the ships of the Junta went over the bar of the Douro, they would be liable to be captured by the British fleet wherever they might be met with. He wished to explain that a Gentleman, whose name he had mentioned to the noble Lord the Secretary of State for Foreign Affairs, called upon him, and gave him that information. But after the letter which had been read by the right hon. Gentleman (Mr. Macaulay) he was bound to say that he had been misinformed, and to admit that notice had been given.

Mr. HUME was perfectly satified that the letter was addressed by Captain Robb, as stated by the right hon. Gentleman. There was, however, one word he wished to address to the noble Lord. A variety of letters had been published in the newspapers purporting to be a correspondence carried on between Sir G. H. Seymour and the Junta party. One, for instance, was a letter dated the 20th of May, and which was said to have been addressed by Sir G. H. Seymour to the Conde das Antas, but which, it appeared, was not delivered till the 31st of May; and another was a letter containing an order to the officer commanding the British fleet at Oporto to stop any ships belonging to the Junta coming out of the Douro. He thought it would be well if the noble Lord were to collect all these letters, and have them printed in an official form. He also hoped the noble Lord would be able to account for the eleven days that elapsed between the date and the delivery of an official document addressed to Das Antas, which at present seemed inexplicable, considering that the British authorities in Portugal had daily communications with the Junta party.

Viscount PALMERSTON said, that with regard to the hon. Member for Evesham (Mr. Borthwick), the statement he had made respecting the want of notice to the Conde das Antas had been perfectly accounted for; at the same time, the hon. Gentleman would of course admit that his informant was not in a condition to know what had passed at Oporto. He agreed with the hon. Member that his informant was mistaken. Full notice was given to the Junta that their ships would be detained if they went out beyond the bar of the Douro; and Das Antas and the ships did go out with a full knowledge of that fact. With respect to what had been said by the hon. Member for Montrose, as to there having been an interval allowed to take place between the date and the delivery of a letter from Sir G. H. Seymour to Das Antas, the reason of that delay was, that Das Antas was absent from Oporto at the time the letter arrived there, and several days elapsed before he came back. With regard to the production of further papers, he begged to observe that those already produced were up to the latest date of the time they were asked for. He had to select them from a great mass of papers. Those papers had since accumulated, for a great many had passed subsequently to that period. He promised his hon. Friend that the House should be in possession of the latest correspondence that had occurred within the shortest time in which they could be produced.

Debate adjourned.

House adjourned at ten minutes past One o'clock.

HOUSE OF LORDS,

Tuesday, June 15, 1847.

Minutes.] Public Bills. — 1^a Passengers Act Amendment; Baths and Washhouses; Prisoners Removal (Ireland); Out-Pensioners (Chelsea and Greenwich); Newfoundland Government.

2^a Bankruptcy and Insolvency (No. 3); Master in Chancery; Masters in Chancery Affidavit Office.

3^a and passed:—Quakers and Jews Marriages; Service of Heirs (Scotland); Transference of Lands (Scotland); Burgage Tenure (Scotland); Heritable Securities for Debt (Scotland); Crown Charters (Scotland); Burgh Police (Scotland); Naval Mutiny; Loan Discount.

Petitions Presented. From Stourbridge and other places, for the Enactment of Sanitary Regulations.—From Burton-upon-Trent, that decisive Measures may be pressed upon the Authorities in India that the Temple of Juggernaut and other Temples in India may no longer receive Grants of Money from the British Government.

PORTUGAL.

Lord STANLEY: My Lords, the course which has been pursued in the present Session by those in both Houses of Parliament who, like myself, have not the advantage of being able to place entire confidence in the measures of Her Majesty's present advisers, will, I think, sufficiently vindicate us from any imputation of being influenced by any desire of practising hostility to that Government, of having endeavoured vexatiously to thwart or to impede any of their legislative measures, or of having any desire minutely to criticise or captiously to censure any of those acts which they have thought it their duty to perform in conformity with their executive power. With respect to the internal affairs of this country, I think it will be admitted by the noble Marquess opposite, that although we have found ourselves on some occasions called upon to oppose Her Majesty's Government, we have done so with no indication of hostile feeling; that in proposing amendments to the measures that have been suggested, those amendments, both their form and the language with which we have supported them, have been such as to show our unfeigned desire to co-operate by more effectual provisions in the measures which Her Majesty's Government have themselves contemplated and desired. And with regard to that important question which has absorbed so much of your Lordships' attention in the present Session, much as we have disapproved of several relief measures which have been taken by Her Majesty's Government with respect to Ireland, yet we have always been ready to make allowance for the difficulties of the situation in which they have been placed, and the embarrassments those difficulties have caused to them, whilst our measures have not been calculated to throw unnecessary blame upon them, or to condemn errors of judgment which on their part Her Majesty's Government have frankly and honestly admitted. With respect to the foreign policy of the country, there were many in Parliament who much disapproved of the course, and still more of the tone, adopted in our diplomatic negotiations at the commencement of the Session, on the subject of Spain; but so far from pressing on your Lordships or the country the expression of our disapproval, we have sedulously endeavoured to abstain from and prevent all discussion on those points of difference; because we think that, whatever may be our opinion respecting the conduct of Government, the expression of that opinion and the renewal of those discussions would serve no other purpose than to create and to renew excitement and irritation between this country and that great neighbouring State with which I have always been of opinion that it was essential to the peace of Europe that we should maintain the most friendly relations and the most amicable concurrence. But when I find her Majesty's Government entering on a course of foreign policy which appears to me to be inconsistent with the first principles of justice, and in violation of the universally received law of nations, which is not only not called for or required by any obligations of treaty on our part, but is rather contrary to the provisions and positive stipulation of treaties—treaties of old standing and frequent renewal—when I find that our interference in the internal affairs of Portugal is undertaken not only in a manner at variance with the rights of that independent nation, but also in a spirit which I must say is far from being one of impartiality between the contending parties—believing that the admission of that principle and the introduction of that force is likely to place this country in a position of serious and long-continued embarrassment—my Lords, then I feel it is our duty no longer to keep silence; it is your Lordships' business to vindicate yourselves in the eyes of the country, in the eyes of Europe, in the judgment of the present time and the judgment of posterity, from the supposition that you partook in the principles or approved the course which has been pursued; and it is your duty to see that you shall not subject yourselves to any misrepresentation or misunderstanding of your opinions by maintaining a silence which might appear to indicate approval of the course that has been pursued. My Lords, I say also that if it be your duty on subjects of this grave importance to express an opinion as one branch of the Legislature of this great empire, the present is emphatically the time at which the expression of that opinion ought to be given to the world. My Lords, we do not now interfere with any pending negotiations; we do not call for any disclosures necessary for the elucidation of facts, but dangerous to make with a view to the public interests. The action of the Executive Government is complete; the Ministers have fulfilled the responsibility which their situation and their office have imposed upon them; they have, in the exercise of their high functions, concluded a treaty or convention—call it what you please—an agreement with foreign States, which in good faith is binding upon this country, whatever may be our opinions, and whoever may be the Minister who shall have to carry it into execution. No vote of your Lordships can interfere with the execution of that treaty; it is, as regards the acts which have been undertaken to be performed, a treaty binding upon this country; and the Government themselves, in laying that treaty upon the Table of your Lordships' House, announced to you that they had conferred upon it their final sanction; they appeal to you for your judgment, they challenge your decision, they offer to you a full exposure of the facts, and they ask you to pronounce your judgment, whether they have rightly, wisely, discreetly, and soundly exercised the trust which the constitution places in their hands. My Lords, my charge against Her Majesty's Government—for I do not disguise it that it is a charge against Her Majesty's Government—consists in this, that the treaty into which they have entered is in violation of the principles of international law—that it is a violation of a great fundamental principle—that it is called for by no treaty—nay, that it is repugnant to the treaties into which we have heretofore entered with Portugal—that their mediation has not been impartial; that their execution of the treaty in good faith, as I doubt not they desire to execute it, is difficult, if not impracticable, in itself, and likely to lead this country into a perpetual labyrinth of complications threatening the most serious embarrassments to our diplomatic and foreign relations. My Lords, I conceive that there is no principle more distinctly established or more universally recognised than this, that with respect to the purely internal and domestic concerns of any State, no other country has a right to interfere, but least of all to interfere by force of arms; and that the only possible qualification of this universal principle is, that the affairs so-called domestic and internal, are in their nature such as immediately and directly to endanger, if not the institutions, at least the great leading interests of the country which claims a right to interfere. My Lords, I will not attempt to strengthen my position on this point, which lies at the root of the question, by adverting to the dicta of jurists, though such may be found in abundance; but I trust I may be forgiven by your Lordships if I advert to facts and circumstances in the memory of some of those whom I have now the honour of addressing, and within the limits of what we may all of us call our own time, for the purpose of showing the unvarying and constant course of proceeding in our ordinary policy, not adopted by this or by that Administration, but by every statesman of the present century, without reference to their differing political opinions. My Lords, it must be in our own recollection that our greatest and most powerful neighbour—the chief among the Continental States of Europe—has twice been visited by revolutions which have shaken society to its foundations, and which have overturned the Throne of that country. Now, upon neither of these occasions, or upon account of these internal troubles and dissensions, did this country feel itself justified in interfering in the internal affairs of France, nearly as that country is connected with this by the multiplicity and number of our diplomatic relations. I need hardly remind your Lordships, that when, in 1792, the French Revolution was at its height—when the Sovereign of France was no longer in the exercise of his regal functions, but was a prisoner in the hands of his revolted subjects—when you had withdrawn, and rightly withdrawn, the Ambassador accredited to a Sovereign who no longer possessed the powers of sovereignty—my Lords, upon that occasion, nay, upon the very eve of the bloody tragedy which crowned that Revolution, and which created so much astonishment and detestation—the language of the Throne of this country, within a month of that proceeding, was the language, no doubt, of apprehension with respect to the consequences, but still of abstinence from pretensions of intervention in the affairs of another State. In the Speech from the Throne delivered on the 13th December, 1792, His Majesty declares—

> "I have carefully observed a strict neutrality in the present war on the Continent, and have uniformly abstained from any interference with respect to the internal affairs of France; but it is impossible for me to see, without the most serious uneasiness, the strong and increasing indications which have appeared there of an intention to excite disturbances in other countries, to disregard the rights of neutral nations, and to pursue views of conquest and aggrandizement, as well as to adopt towards my allies the States General (who have observed the same neutrality with myself) measures which are neither conformable to the law of nations nor to the positive stipulations of existing treaties."

Under these circumstances, as a matter of precaution, the King applied to Parliament to enable him to augment the naval and military defences and forces of the country; but even after the murder—the judicial or civil murder — of Louis XVI., it was France against England, and not England against France, which first issued the declaration of war. Then began that fearful and prolonged struggle which, with two brief intermissions, subsisted for the period of three-and-twenty years without any relaxation of its violence; during the course of which every country but this was overrun by the colossal power of France — every Throne but this was shaken and subjugated by her armies. This country alone, unsubdued, amidst all adverse circumstances, stood the brunt of that stern and long protracted contest, in the labouring years of which, inch by inch, from Torres Vedras to Bayonne, and from Waterloo to the walls of Paris, the tide of French encroachment was driven back. In its progress, the independence of nations long shackled was maintained and asserted, and by its results was finally established the great principle for which we had been contending upon the ever-memorable field of Waterloo. My Lords, when, again, in the year 1830, the Sovereign of France, by a violation of the laws of his country—by an infraction of the constitutional rights of his subjects — was driven from his throne—that Sovereign, on whose head you had helped to place the French crown, for whose family you had made so many sacrifices—did you for a moment dream of interfering to re-establish in France the tyranny of Charles X.? No, my Lords, you pursued another course; you directed your Ambassador to recognise the new Sovereign; and in the Speech from the Throne, delivered in 1830, His Majesty announced to Parliament that—

> "The elder branch of the house of Bourbon no longer reigns in France; and the Duke of Orleans has been called to the Throne by the title of King of the French. Having received from the new Sovereign a declaration of his earnest desire to cultivate the good understanding, and to maintain inviolate all the engagements subsisting with this country, I did not hesitate to continue my diplomatic relations and friendly intercourse with the French Court."

At a somewhat earlier period, the great principle of non-interference was laid down by the noble and gallant Duke on the cross benches (the Duke of Wellington), when, at the Congress of Verona, he addressed to the French Plenipotentiary a memorandum to the following effect:—

> "Verona, Oct. 30, 1822.
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> "Since the month of April, 1820, the British Government have availed themselves of every opportunity of recommending to His Majesty's Allies to abstain from all interference in the internal affairs of Spain. They considered that an interference, with a view to assist the monarch on the throne to overturn that which had been settled, and which he had guaranteed, or to promote the establishment of any other form of government or constitution, particularly by force, would only place that monarch in a false position, and prevent him from looking to the internal means of amelioration which might be within his reach."

My Lords, one other great authority I may be allowed to cite, with whom I know many of your Lordships differed materially in political opinion; but one to whose memory I look with affectionate reverence — one whom noble Lords opposite are bound to receive as an authority of great weight—and one of whom those who differed the most with him in political matters would not have hesitated then, and still less would hesitate now, to declare that he was a statesman keenly anxious for the welfare of his native country, keenly and delicately sensitive to the honour of that country in her domestic as well as her foreign relations. My Lords, in 1830 negotiations were going on between the Five great Powers of Europe, in pursuance of the stipulations of the Treaty entered into for the purpose of arbitrating and settling terms of arrangement between Belgium, then virtually separated from Holland, and the kingdom of Holland itself. The Speech from the Throne, delivered by the advice of Lord Grey, announced in deliberate terms the principle which I am anxious to lay down to your Lordships. It said—

> "The principle on which those conferences have been conducted, has been that of not interfering with the right of the people of Belgium to regulate their internal affairs, and to establish their Government according to their own views of what may be most conducive to their future welfare and independence, under the sole condition, sanctioned by the practice of nations, and founded on the principle of public law, that in the exercise of that undoubted right the security of neighbouring States should not be endangered."

To the principle so laid down, a noble Friend of mine, not now in his place, demurred, as not going far enough, because, he argued, that with that qualification there was no neighbouring State which might not fairly say that the internal concerns of the neighbouring countries, and a change in their political institutions, might not be held to be dangerous to its interests. This afforded Lord Grey an opportunity of strengthening the position he laid down, that interference in the affairs of foreign States was not allowed by the requirements of international justice. Earl Grey said—

> "The construction which he (Earl Grey) put on them was this—that no form of government which a nation might choose would justify an interference in its choice, unless one of direct hostility or danger to the party interfering. Even the apprehension of danger to a country would not be a justifiable ground of interference. He would go farther, and say, in the particular case, that if the Belgians had adopted a republican instead of a monarchical form of government, he did not think that it would have been a justifiable ground for interference by other countries."

That was the language of Lord Grey at a memorable time. The revolution of France was not twelve months old; the constitutional, although the revolutionary throne of Louis Philippe was not firmly established; republicanism was neither dead nor asleep in France; the establishment of a republic in Belgium, upon the frontiers of France, amongst a people speaking the same language, and connected by many ties with France, must necessarily have excited the jealousy of the constitutional monarch of France. Under such circumstances, Lord Grey laid down, without qualification or hesitation, the principle that even such a state of things would not justify the interference of France; and that he, as a British Minister, would not permit such interference. My Lords, it may be, however, said, that although this principle be clear with respect to other nations, yet there are between these two countries of England and Portugal, such close and intimate relations, such especial obligations as would justify, with respect to Portugal, a course which would not be justified with respect to any other country. My Lords, it is true, we have special and close relations with Portugal—we have obligations to Portugal, confirmed by a series of treaties, the earliest of which, I believe, was concluded not far from 500 years ago. But if those obligations bind us to one thing distinctly, it is this—that, under all circumstances and in all conditions, we will not permit the soil of Portugal to be invaded or violated by any foreign Power whatsoever. My Lords, it was upon this principle that, in virtue of the stipulations of treaties, Mr. Canning sent that expedition to Lisbon, with a view of securing Portugal against the invasion of Spain. At that time a civil contest was going on in Portugal; but it was not upon that ground that Mr. Canning called upon the British Parliament to interfere—it was because, in the prosecution of that civil contest, one of the Pretenders to the throne of Portugal was levying troops in Spain, was there recruiting his forces and mustering his bands, and was from thence, with Spanish assistance, invading the soil of Portugal. It was upon these grounds that Mr. Canning called upon Parliament to sanction his interference, when he wound up his address with that famous peroration which I had the good fortune of hearing. He said, "Let us fly to the aid of Portugal, by whomsoever attacked, because it is our duty to do so; and let us cease our interference when that duty ends. We go to Portugal, not to rule—not to dictate—not to prescribe constitutions—but to defend and preserve the independence of an ally. We go to plant the standard of England on the well-known heights of Lisbon. Where that standard is planted, foreign dominion shall not come." My Lords, I would that the spirit of Canning was now presiding over the foreign counsels of this country. I would that there were here the indignant eloquence of a Canning to denounce the conduct of those Ministers who, for the purpose of saving a foreign Sovereign from the effects of her own misgovernment, interfered to subvert the constitutional liberties of Portugal; invited a French fleet to enter the waters of the Tagus and the Douro; and called upon a Spanish army to invade those fields of Portugal which this country has bound itself by treaty to protect from all aggression. It was not Mr. Canning only, my Lords, who thus construed the duties and obligations of this country. In 1828, after a series of violations of the most solemn engagements, and by acts of unparalleled treachery, Don Miguel, who had been appointed Regent of Portugal, succeded in usurping the throne of his niece, his Sovereign, and his intended wife. At that moment the troops of this country were in Lisbon. Did we maintain them there for the purpose of interfering even in that case, in which the throne of a Sovereign whom you had recognised was invaded by a usurper, who had bound himself to you by the most solemn obligations to make no such attempt? No, my Lords, far from it. The period of danger from foreign intervention had gone by; there were no longer attemps at Spanish interference; and at the moment when the cause of the usurper in Portugal was triumphant, he was assailed by no menaces from without. Thus the conditions on which alone you were entitled to interfere had expired; and the British troops that might have effectually protected the throne of your ally, were withdrawn upon the faith of the treaty, because their presence interfered with the settlement of the internal dissessions of the country. My Lords, I will not fatigue you by citing the statements which were made by distinguished men of all parties on that occasion; all men joined in approving the course which had been taken. Sir James Macintosh—no unimportant authority in matters of constitutional and international law—declared it to be his opinion that affairs had been so ordered as to give to this country the means of demonstrating to the world its entire impartiality in the performance of its obligations of those treaties, first, under a democratic or constitutional form of government, then under the absolute monarchy established by Don Miguel. The form of government, he contended, had rightly been considered as having no bearing on the question; but he looked to the fulfilment of treaties, and consequent upon that the total abstinence from interference in the internal concerns of other States, as the great principle on which this country had always acted. The noble Marquess opposite on that occasion also strongly approved of non-interference in the affairs of Portugal, and expressed his anxious wish that His Majesty's Government should impress on all foreign countries the duty of adhering strictly to the principles to which they had themselves so firmly adhered. My Lords, I need hardly remind your Lordships, that when, in the following year, the contest between the princes of the House of Braganza still continuing, the Marquess Barbacena, on the part of the Queen of Portugal, applied for assistance, on the ground of treaties, my noble Friend the Earl of Aberdeen, then Foreign Secretary, replied—

> "It is assumed that the usurpation of the throne of Portugal, by the Infante Don Miguel has given to Her Most Faithful Majesty the right of demanding from this country effectual succours for the recovery of her crown and kingdom. But in the whole series of treaties there is no express stipulation which can warrant this pretension; neither is such an obligation implied by their general spirit and tenor. It is either for the purpose of resisting successful rebellion, or of deciding by force a doubtful succession, that Great Britain is now called upon to act. But it is impossible to imagine that any independent State could ever intend thus to commit the control and direction of its internal affairs into the hands of another Power. For, doubtless, if His Britannic Majesty be under the necessity of furnishing effectual succours in the event of any internal revolt or dissension in Portugal, it would become a duty, and indeed it would be essential, to take care that no such case should exist if it could be prevented. Hence a constant and minute interference in the affairs of Portugal would be indispensable; for His Majesty could never consent to hold his fleets and armies at the disposal of King of Portugal without exercising those due precautions and that superintendence which would assure him that his forces would not be employed in averting the effects of misgovernment, folly, or caprice. The truth is, that the whole spirit of the treaties, as well as their history, shows that the principle of the guarantee given by England is the protection of Portugal from foreign interference."

And although, my Lords, in the civil war which for so long a time afterwards raged between the princes of the House of Braganza, the Opposition of the day more than once charged against the Government misconduct in the mode of dealing with the question, yet the principle of non-interference and neutrality was agreed upon as the starting point from which to set out, and the charge against Government invariably was, that for the purpose of favouring that political party to which they appeared most disposed to adhere, the Government of the day had departed from the neutrality which had been the uniform policy of British Ministers. I am, perhaps, detaining your Lordships at too great length by citing authorities for the application of the principle for which I contend, and which lies at the root of the whole subject; but this principle I think it my duty to substantiate to your Lordships, not only by the maxims of jurists and writers on public law, but by the practice which statesmen of all shades of politics have followed, which, I maintain, goes to establish beyond dispute the justness of this principle of non-interference by any foreign nation in the internal affairs of any other independent State; and that these obligations are not weakened—on the contrary, that, if affected in any respect, they are strengthened in the present case by stipulations to which we are pledged by treaty in respect of our ancient connexion with Portugal. There is one consideration with which I must trouble your Lordships on this part of the question; and I do it the rather that for the purpose for which I am striving it is my duty to press an authority to which I may appeal with confidence for the effect it will have on the noble Lords opposite. At the same time there is a qualification of that opinion of so apposite a character from the noble Lord who pronounced it, that I think it well worthy of your Lordships' attention; and the rather as it affords a proof that this whole course of proceeding has rendered the noble Viscount now at the head of our Foreign Affairs, with all his talents, ability, and industry, a most dangerous Foreign Minister for England. The principle laid down by Viscount Palmerston, in the debate which took took place in 1829, was this:—

> "The ground upon which my right hon. Friend the Secretary of State for the Home Department has defended the doing of all that has been done, and the not doing of all that has been omitted, is the principle of non-interference. That is to say, the principle that every nation has a right to manage its own internal affairs as it pleases, so long as it injures not its neighbours; and that one

nation has no right to control by force of arms the will of another nation in the choice of its Government or ruler. To this principle I most cordially assent. It is sound—it ought to be sacred; and I trust that England will never be found to set the example of violation. But in all discussions, it is of great importance to come to a clear understanding of the precise meaning of terms used in debate; and let us, therefore, strip the word interference of an ambiguity which tends to perplex and confuse. If by interference is meant interference by force of arms, such interference the Government are right in saying, general principles and our own practice forbade us to exert. But if by interference is meant intermeddling, and intermeddling in every way, and to every extent, short of actual military force—then I must affirm, that there is nothing in such interference which the laws of nations may not in certain cases permit; and that the whole history of the connexion between England and Portugal has been almost one unbroken chain of such interference on our part; nay, more, that the complaint to which the present Government is most justly exposed, is, not that they have not interfered, but that they have interfered only on the wrong side." *

The noble Lord has here laid down his general views on this subject. He stands up against interference or intervention, but he upholds the principle of intermeddling on all occasions. There is the very secret of the noble Viscount's policy, that in his management of foreign affairs he has gone on intemeddling so far as he can go without the necessity for an armed intervention; but this principle has at last led to the necessity for that very armed intervention which he himself declares the general principles and practice of the English Government alone forbids him to adopt. It may be said that the conduct of Government on this occasion was somewhat similar to that they adopted in 1834. In that year there was a state of things very remarkable. Two female Sovereigns, who were recognised by this country, sat on the Thrones of Spain and of Portugal. Two male Pretenders sought the Crowns of these countries, and both of them being combined, their forces were at the same time within the kingdom of Portugal, there consulting and concerting the means of a conjoint invasion of Spain and Portugal, to obtain the dominion over them. It was then, my Lords, that Spain, with justice, as I say, complained of these proceedings. Spain had good grounds of complaint against Portugal, and she had also a right, for her own safety, to expel the Pretender to the Spanish Throne from Portugal. England recognised that principle: she combined with France and with Spain for the definite purpose, and for that alone, of expelling from Portugal the Pretender to the Throne of Spain; and they limited the performance of the treaty to the specific object for which it was intended—that is to say, the expulsion of Don Miguel and Don Carlos from the kingdom of Portugal. But so anxious was the noble Lord then at the head of Foreign Affairs—my lamented Friend, Earl Grey—to keep within the narrowest bounds, and to preserve in the strictest conformity with the national obligations, the agreement as entered into between Spain and Portugul for the expulsion of the claimant of the Throne of Spain from the latter kingdom, that when the forces of His British Majesty were invited to co-operate with that object, so far from asking the French fleet to enter the Tagus along with us in support of these measures, His Majesty the King of France agreed with this Government that in the event of his assistance being required or found necessary, he should be ready to give such assistance, and such assistance only, as would be found absolutely necessary to carry out the object of these Powers. And, my Lords, it is a very difficult question whether that treaty with regard to its duration and object was not unduly extended by the four additional articles which were subjoined to it after the retirement of Earl Grey from the office of Secretary for Foreign Affairs; for these articles, though stated to be in fulfilment of the treaty, contemplated—not the expulsion of the Pretenders to the two Crowns from the country, but an adjustment for the purpose of maintaining the rights and liberties of Spain and Portugal. I have always thought this was a question of great difficulty, and of extremely doubtful policy. I have always considered that it went beyond the necessity of the case, and formed a most dangerous and inconvenient precedent; for whatever may be the question, we cannot limit the principle to the case of Spain, and it may lead to much more serious results. If this be indeed so, and that this principle of non-interference is to be laid down without any qualification, it becomes my duty to show to your Lordships, in connexion with the second branch of this question, that the state of affairs in Portugal in which you have been called upon to interfere, is a state of things purely domestic and entirely internal, and not such as to call for your interference. I will show your Lordships it is a state of things which entitles no other country to

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* Hansard, Vol. xxii. New Series p. 1645.

interfere, affecting the dynasty of Portugal solely, and all in conformity with the constitutional rights of the subjects of the Queen, which had been infringed by arbitrary conduct on the part of the Government. But in order to substantiate this assertion, I am afraid I must trouble you, my Lords, to go back to a period antecedent—though not very much so—to the date of the papers which have been laid on the Table by Her Majesty's Government. These papers inform us of the occurrences of the revolution, but they do not inform you of its causes; and I will, therefore, state to your Lordships what were those causes which led to the *coup d'etat*, and the revolution which accompanied it. During the period of March or April, 1846, there was, I believe, not nominally, but certainly really and in effect, at the head of the so-called official Government of Portugal—that of the Duke de Terceira—a Minister who had the real control of that Government—Senor Costa Cabral. He was a man of bold, stirring, energetic, ambitious, and not over-scrupulous character, who had commenced life as the ultra supporter of most ultra republican principles, and who in 1836 was considered the indiscreet leader of the party of Septembristas. He supported them, however, with considerable ability, and on their coming into power he was rewarded with a subordinate post in the police of Lisbon. In that capacity he showed himself possessed of some energy, and made himself of use to the Government; and at no distant period, from being the leader of the radicals, he came forward in the character of a most violent partisan of absolutism, and. with all the zeal of a recent convert, went beyond its most extravagant doctrines. Being considered somewhat of a dangerous character, he was not included in the arrangement of the Duke de Terceira's Cabinet; but by heading a successful *emeute* he made himself so formidable to the Government, that he ultimately obtained his object; he was called into the Cabinet, and was appointed to the post of Minister of the Interior. It is not too much for me to say—for there is abundant proof of the truth of the assertion in the Foreign Office of this country, at this very moment—that under the government of Costa Cabral peculation, corruption, and oppression prevailed through all classes employed by the Portuguese Government; that scarcely one-half of the money levied ostensibly for the maintenance of the army was applied to that object, the remainder finding its way into other channels; that contracts were made for public works on terms ruinous to the public, in consequence of an understanding between the contractors and the officers of Government; that public works were charged to the public five times the amount that could be demanded in fair and open tender; and that he concerted with the Ministers of the day to betray the interests and liberties of his country. To such an extent did this corruption go, that at the elections the troops of the line were marched into the towns by companies and regiments, and with arms in their hands were marched under the command of their officers into the churches, tendered and gave their votes for the free election of the Cortes of the country. I shall now proceed to state the cause which, though it led to the overthrow of his Government, is one of very little moment. Among the other courses which he had adopted to increase the revenue, and among the vexatious laws he had passed, was one by which public cemeteries were instituted in Portugal; and the regulations compelled all persons to bury their dead in those cemeteries, and to pay a certain specific sum for the burial. There were no walls around those cemeteries—the bodies buried in them were left uncovered and exposed to be torn by dogs; and one universal feeling of disgust pervaded the country at this tyrannical enactment. But a change soon took place—a woman was the author of it, and the result which followed it. It so happened that a woman named Maria da Fonte, whose child had died, brought its body to the priest, and required it to be buried in the church. He refused, alleging as his reason the law which forbade him to do so. The woman excited a tumult; the people took part with her—some blood was shed. The troops were called out; but the women and the peasants fell on the soldiers, and in a few hours the flame of revolt spread from one side of the country to the other. The army was marched against the insurgents; but the troops soon found they had to put down the feelings of a whole people, and officers and men alike shrunk from the task. In the course of a very short time the Government, alarmed at the consequences of its oppression and exactions, tendered their resignation to Her Majesty; and Her Majesty, alarmed at the prospect before her, accepted their forced resignation, and called to her councils the Duke de Palmella. In the course of one week from that time, the country was at peace; the insurrection subsided; and Cabral, the notorious origin of the whole, being removed, the people no longer stood a day in revolt against the constituted authorities. They placed confidence in the promises of the Duke de Palmella, and in the good intentions of his Government. The first acts of his administration will indicate to your Lordships what had been the character and conduct of his predecessor, and what was the change of his policy. The principal measures he adopted were—the revocation of the two obnoxious laws, viz., of the public health, and of the new system of taxation; the appointment of a commission to draw up a new law of elections; the liberation of the parties thrown into prison under the powers granted by the law suspending the guarantees; the restoration of the liberty of the press; and other popular measures. The Duke de Palmella, in pursuance of his policy, proceeded, according to the powers vested in him, to form an electoral law for regulating the manner of elections, by issuing a proclamation; and Lord Howard de Walden informed the Government of this country that this law was very generally approved of by all classes in Portugal. Thus matters stood on the 6th of October, 1846, which is the period at which the papers laid by the Government on the Table of the House commence. The Duke de Palmella enjoyed the confidence of the people; but unhappily he did not stand in equal favour with the Sovereign. The Crown was surrounded by evil advisers, whom he had not taken the precaution to remove; and the royal ear was poisoned by alarms of ulterior views, sedulously, but as I believe most falsely, spread, from those who might be returned to the new Cortes. On the 6th of October, took place that extraordinary event which is related to your Lordships in these papers. Without warning or notice—without preparation, or the least intimation of what was likely to take place, the Duke de Palmella was sent for to the palace, and there meeting with the Count Bomfin, the military commandant of Lisbon, they were both informed it was Her Majesty's pleasure they should resign their offices—to sign their own dismissals, as well as the appointments of their successors—and that they should remain as prisoners in the palace, until this act of what I may scarcely call "spontaneous" resignation took place. It is said, the Duke was asked a question on the part of Her Majesty, to which an unsatisfactory reply was given; and in connexion with this subject I omitted to state that the period for the convocation of the Cortes was now close at hand; and that it, in fact, only wanted four days of the elections, under the electoral Bill of the Duke de Palmella. I have good reasons—indeed I may say authority—for stating that the communication made by the Duke de Palmella to Her Majesty, on this occasion, was in substance that there was not any ground of apprehension of danger from the prevalence of extreme opinions in the new Cortes; and that, on the contrary, he looked forward with considerable confidence to a Cortes that would reconcile a due regard for the rights of Her Majesty with the observance of the liberties of the people. The Duke de Palmella, therefore, advised Her Majesty that the elections should be allowed to proceed without interference; and he represented that to meet men of violent and extreme opinions the constitutional mode of proceeding was, to allow them to show that violence to the world. It is curious enough to observe, that the elections justified the result of the predictions of the Duke de Palmella, and a considerable number of moderate men were returned to the Cortes. He knew well (the Duke went on to say) there was another opinion entertained by an eminent person with respect to the representation; but that, sincerely desirous as he was to restrain the too great violence of the popular party, he had no power of restraining it, and checking its course unless he had that which as yet he had not—the cordial confidence of Her Majesty, and the active co-operation of those who held employments under her. Whatever the answer made by Her Majesty to this statement, it is clear it had no influence on the course pursued subsequently. The decision had been taken before; the plot was formed, the mine was laid, and now it was sprung, at the last moment. The officers of former Governments who were displaced by the Administration of the Duke de Palmella were in attendance in the ante-chamber of the palace, for the purpose of being restored to their situations; and they knew the purpose for which they had come, though the Prime Minister himself was ignorant of the Queen's intention—that he was to be dismissed. The Duke de Palmella bowed to the authority of the Sovereign; and, to his credit be it spoken, notwithstanding his personal wrongs were not slight, he never for one moment swerved from his loyalty and allegiance. His resignation was tendered and accepted. He attended the subsequent deliberations of the Council—he gave his vote in the negative with regard to the arbitrary decrees by which his dismissal was followed up; and it was only on the intimation of the royal pleasure that it was inexpedient for him to remain in Portugal any longer, that the Duke de Palmella, with a blameless character for loyalty, sought shelter in this country. It was very soon found out that though the Administration which succeeded him was nominally placed in the hands of Marquess Saldanha, it was in effect a restoration of all the power and authority of Costa Cabral. Marquess Saldanha himself confessed he had no persons whom he could call into his Ministry unconnected with Cabral. He admitted that his whole Government must necessarily be formed of the Cabralista party; and, much as he desired to control and moderate the violence of the party, it was quite clear that it was a Cabral and nothing but a Cabral Administration. When the news arrived in Madrid, the Absolutists were delighted at the return to the old state of things. They indulged in very free and strong expressions of exultation; and, as if to mark that connexion between them, Mr. Bulwer wrote to say that Marshal Saldanha was another Cabral; and Gonzales Bravo, returning to Portugal, was accompanied thither by a friend of sympathetic feelings—no other than Costa Cabral himself. This was a little strong; and yet Viscount Palmerston here congratulated the Portuguese Government on the care they had taken to separate themselves from Cabral. True, he was not at Lisbon; but he was at Madrid, in the very focus of the Cabralista intrigue which was moving heaven and earth to subvert the Duke de Palmella; and he was there not as a private individual, but as one charged with the representation of the Government of Portugal—as the accredited Minister of the Queen of that kingdom. And you want nothing else to show you this was a return of the Cabral Administration, which, by the unanimous outburst of popular indignation, had been hurled from power six months before, than the fact that they restored the acts imposed by the Cabralista Ministry itself. The very day after those proceedings took place, their first act was the revocation of the electoral decree, and the suspension of the approaching meeting of the Cortes. The next was the suppression of all newspapers, with the exception of the *Diario*, the official organ of the Government; and in the course of a few days Her Majesty assumed to herself the absolute dictatorship of the kingdom. On the 3rd of November the sanguinary edict was issued that all insurgents taken prisoners should be shot. On the 14th of November an edict was issued seriously affecting the credit and property of British merchants, and of all classes of traders in Lisbon, by compelling a forced circulation of the worthless notes of the Bank of Lisbon. These are the measures adopted in the very first fortnight of its existence by the new Administration, which was to show itself so entirely unconnected with the despotic measures of Cabral, and to vindicate the solemn pledges of Her Majesty to the people, calling on them to confide in her, and assuring them that all her acts should be in accordance with the terms and limits of the constitution. If this were the course pursued by Government, let me ask your Lordships what was the state of feeling on the part of the country and on the part of the people of Portugal? After what took place on the 6th of October, the Duke of Terceira was sent to Oporto to carry into effect the same arbitrary measures that had been adopted at Lisbon; but he found the people there discontented and indignant. He soon found also that his authority was slighted; the decrees of which he was the bearer were treated as so much waste paper; and he himself was seized and imprisoned in the castle of Foz. In a few days a Junta, and not a Regency, as some called it, was established at Oporto under the Conde das Antas. Another sprung up at Coimbra; and Marshal Saldanha, on the 11th, contemplated the possibility of Her Majesty being compelled to leave her capital, and to embark on board one of Her Britannic Majesty's vessels in the Tagus. On the 14th, Mr. Southern writes—

> "I have the honour to inform your Lordship that Marshal Saldanha called on me this morning to explain to me the very alarming aspect which events were assuming in this country. Immediately after the sudden change of the Government in the night of the 6th instant, and the substitution of the military authorities and commanders of regiments of the time of the Cabrals for those acting under the Duke of Palmella's Government, the Duke of Terceira was commissioned (by Royal decree of the 6th, published in the official *Diario* inclosed to your Lordship in Lord Howard de Walden's despatch of the 8th instant) to proceed to Oporto as the Queen's lieutenant, accompanied

by various officers, generals, and aides-de-camp, to operate the same changes in the north as had taken place in the capital. I learn from Marshal Saldanha that the Duke of Terceira arrived at Oporto in the *Mindello* steamer on the evening of the 9th, and that in the same night the populace, who had been joined by the troops in the garrison, rose against him, and attacked the house where he and his staff were lodged, took them prisoners, and carried them off to the castle of the Foz. General Count das Antas, who commanded in the north for the late Government, was at the time at Braga; he arrived, however, at Oporto on Sunday the 11th, when, Marshal Saldanha assures me, he joined in the formation of a council of regency, of which he is the president, M. Jose Passos the vice-president, and Major Avila the secretary. I asked Marshal Saldanha if he were sure that this was a council of regency and not a mere junta of provisional government, when his Excellency assured me that Pedro V., the Prince Royal, had been proclaimed as Sovereign, and that this council had published a most violent attack upon the Queen. At Coimbra this same regency has also been set up by the Marquess of Loule, the civil governor of the district of Coimbra for the late Government."

Your Lordships, who know the position of those places, will remember that in ten days from those acts—from a period of perfect tranquillity—from the universal expectation of good days to come and of a constitutional Government—this insurrection took place. You will see that from Oporto to Coimbra, half way to Lisbon, from Cintra to Obidos, throughout the Alemtejo to Braga, to the Algarves—the flame of insurrection broke out, without any concert, among the people: at the time, in fact, the Queen of Portugal possessed no authority except what she maintained under the very bayonets of her soldiery. The feeling spread over her dominions; and even in the distant port of St. Michael's, the same spirit of indignation prevailed, and there too a Junta was formed. If you want the cause of all this, I must say you should look for it in the acts of the Government. I do not say, *post hoc, propter hoc;* but I ask your Lordships if ever any effect of Government was so clear as this, or one so closely following the cause from which it arose? If there be any fact, we cannot doubt it is that a simultaneous revolution was caused by the acts of the Government alone, and by the unconstitutional proceedings of the Ministry—the recall of one whom the universal indignation of the people had driven from his post. Was this, I ask your Lordships, a pretence for foreign interference? Was there any danger to foreign States—any overthrowing of the Throne? No. On the contrary, it was a movement to vindicate the Throne. The Junta protested they entertained the deepest respect for the rights of the Sovereign; but at the same time declared a still deeper attachment to the constitutional rights belonging to them as the subjects of a limited monarchy. I shall not weary your Lordships with the details of the struggles between the disciplined troops and the badly armed and undisciplined peasantry, maintained on their side with spirit and resolution in a contest which they viewed in the light of a sacred cause; but this I will observe, that throughout the whole of it there was but one gleam of success on the arms of the Queen of Portugal, when a victory was gained at Torres Vedras by Marshal Saldanha over a portion of the insurgents commanded by the Count Bomfin and Count Villareal: after an action in which considerable gallantry was displayed on both sides, the forces of the Junta surrendered themselves—not at discretion, but as prisoners of war. Mark this, my Lords, and what followed, I pray you. Among those prisoners were some of the noblest, ablest, and most enlightened men of Portugal. They were all immediately brought to the seat of Government as prisoners. And how were they treated after this surrender? I trust your Lordships will forgive me trespassing on you at such length in drawing your attention to some circumstances in connexion with this case; but I wish to direct you to what Mr. Southern wrote on the 30th of December, 1843, as to the course to be pursued when prisoners were taken:—

> "I am informed that it is the intention of the Government to send three gentlemen to the coast of Africa. As this punishment implies the loss of health, if not the sacrifice of life, the report has filled the very respectable, and, indeed, distinguished families to which they generally belong, with the deepest affliction."

Mr. Southern again interfered in favour of the prisoners, and hoped his remonstrance might be attended with effect; and on the 30th January he writes—

> "In the night previous to the day before yesterday Count Bomfin and his companions were suddenly taken from the frigate they were confined in, and placed all together in the hold of the brig *Audaz*, under sailing orders for Angola. The captain received his instructions to leave the port immediately; and he was only prevented from doing so by a storm of wind from the bar."

Now under what circumstances, let me ask, were those positive orders given for their embarkation? On the 1st of February, Mr. Southern wrote—

> "Since the date of my despatch some of the

> prisoners have been withdrawn from the brig, to the number of six or seven, and sent to the hospital of the Limoeiro, on account of sickness; amongst them is Count Avillez. Many others are sick; the Count Bomfin has several open wounds, and Count Villa Real, who lost a leg at the battle of the Chao da Feira, and which was aukwardly amputated, is under surgical treatment. There now remain thirty-eight prisoners; and though they have had time to receive supplies from their families and friends, still they are nearly in the same crowded and deplorable state as before."

Even the captain of the vessel remonstrated against the indecency and inhumanity of sending out a vessel crowded as she was with a body of distinguished persons in accommodation not sufficient for the vilest and lowest felons, without danger to health, and unable to contain half the number of persons. Surely, my Lords, this representation was listened to by the Government of Lisbon, backed up as it was by a certificate of the surgeon that he would not insure their safety. No, my Lords, but the commander of the vessel was suspended and dismissed; and the surgeon who represented the cause of humanity was discharged—was placed in prison with the intention of bringing him to trial for certifying to the truth. And thus these unhappy prisoners were sent out in defiance of the remonstrances of the British Government. At first there was some discussion raised as to whether they were to be sent to Goa, or to Madeira, or to the Azores. But it was resolved to send them to the coast of Africa. And what was the plea for sending them to the pestilential climate of Angola? It was, my Lords, that at Goa or at Madeira so universal would be the sentiment in their favour, that to these colonies the Portuguese Government absolutely did not dare to send them; while that from the Azores it was impossible to keep them from returning to Portugal. They were sent then—sent, under the circumstances and in the manner I have described—to the coast of Africa. And now, how had affairs been going on in Portugal? Within a few days after the first success to which I have alluded—the success against the insurgents—there was one security for public liberty left still—there was trial by jury. It was not destined to exist long. Within four days after the taking of the prisoners, trial by jury was abolished with reference to almost every offence, and a commission was substituted in its stead, issuing from the Crown; while further it was enacted that if any person arrested before the abolition of trial by jury had not yet been tried, that in that case they were to be subjected to the retrospective operation of the new law. From that day all persons who might be charged with offences were deprived of the protection of trial by jury, and handed over to the tender mercies of the Crown. But it has been attempted to be shown that this contest—leading to all these enormities—was not a civil contest, or one in which the object of the insurgents had been to establish constitutional rights, but that in point of fact it was a Miguelite insurrection. . That is an allegation most positively denied, not only by the Junta, but in more than one despatch contained in these papers, and written by your own diplomatic agents in Portugal. It is denied that the Miguelite party had anything to do with the insurrection, further than this, that when the revolt broke out, some of the peasants, whose war cry was "Viva Don Miguel!" raised that shout; but not one of the leaders, not one of the men in authority, even for one moment, desired to support the pretensions of Don Miguel: on the contrary, they were as opposed to his principles and opinions as light is to darkness. True, I believe a gentleman of the name of Macdonald, at the head of some of the Miguelite guerillas, made a movement of this character; but they were attacked and routed by the constitutional forces, and Macdonald himself was, I believe, slain; and from that time there is no trace whatever of the insurrection having been a Miguelite revolt. No, as was stated by the Count das Antas to Colonel Wylde, the truth was, that the revolution was commenced by the Court, the Camarilla, and the military faction; and that to oppose it the whole nation was ready to fly to arms. The truth was, that Das Antas had to put himself at the head of the insurrectionary movement to save the country from anarchy; but, as he himself declared, he and his comrades in arms would live and die the Queen's most devoted subjects. I may refer to many despatches similar in spirit to this declaration of Das Antas, as to the object and intentions of the Junta. Need I refer to better authority than the despatch dated the 5th of April, and signed by Viscount Palmerton, in which occurs this passage:—

> "But Don Miguel is not in Portugal; nor has there been any insurrection worthy of account in his name and in support of his pretensions to the Crown. The civil war which has now unhappily for nearly six months afflicted Portugal has not sprung from the pretensions of Don Miguel, nor did it originate with his partisans; it arose from very

> different causes, and among a very different political party. The contest does not turn upon the question who shall be Sovereign of Portugal, but upon the question who shall be the responsible Ministers of the Crown in Portugal, and by what principles of administration the country shall be governed. These questions are widely different from questions of dynasty and succession. These questions are purely domestic in their bearing, and with them foreign Powers, except in very extreme cases, cannot be entitled to interfere."

So much for the character and object of the revolt, which, it must be clear to all, was directed immediately against the Government in order to obtain constitutional rights, and to put down a *coup d'etat* which in my opinion was of such a character as to forfeit the right of the Queen to the Throne: the leaders of the revolution, however, even under these circumstances, and notwithstanding the injuries which they arose to avenge, preserving an undiminished and unflinching loyalty to their Sovereign. Well, up to the 5th of April, I can find no fault with the course pursued by Her Majesty's Government in reference to these transactions. Up to that period the noble Lord at the head of the Foreign Office most properly and ably laid down that it was the duty of agents of the British Government to maintain a strict impartiality between the contending parties. But at an early period the noble Lord sent out Colonel Wylde to watch the course of events. Whether the selection was a judicious one, I do not stop now to inquire; but he was sent out for the purpose of observing the course of events, and reporting on the progress of affairs—with instructions to act as a mediator, and to explain to both parties that beyond the office of mediator the Government could not go. So far the instructions were admirable; but I do entertain very great doubts whether they were as satisfactorily carried out by the person entrusted with putting them into effect. Colonel Wylde arrived in Portugal on the 9th of November, and on the 13th of that month Saldanha addressed a despatch to the King, and thus states Colonel Wylde's impression of the nature of the revolt:—

> "Colonel Wylde, of Her Britannic Majesty's service, who since the 10th accompanies my headquarters, has been a witness to all I have just stated to your Majesty, and is convinced, as well as myself, that far from its being a spontaneous popular movement, as the ex-Count das Antas wished to inculcate, this rebellion—the most unheard-of and unfounded that ever existed—is merely the result of the intrigues of its leaders."

Now, my Lords, I conceive that such a statement is quite destructive of the usefulness of Colonel Wylde in his character of a mediator. Saldanho's letter, however, was not allowed to pass unnoticed. Colonel Wylde certainly did address a note to Saldanha—a note, as he himself states, couched in the most mild and courteous terms—a note, not of the character which might have been expected—a note expressing no indignation that the writer's name should have been used in a manner dishonourable to himself and his country. He did address Saldanha, however, and here is a passage which occurs in his note:—

> "I am sure your Excellency is aware how sincerely anxious I am to be of service to the Queen's cause, and to be guided as much as possible by your opinion as to the best mode of accomplishing this object; and, therefore, that the feelings I have expressed in this letter arise from the belief that the paragraph in question tends materially to lessen my power to be useful to you hereafter, and will also, I am convinced, be highly displeasing to my own Government; and as a proof of the effect it is likely to have in England, I have already had the reporters of the English newspapers with me to know if I had expressed or sanctioned the publication of the opinion attributed to me in the *Diario*, and if not, if I would allow it to be contradicted officially, which, however, I thought it right to refuse."

Now, what said Saldanha in reply to this? The opening words are significant, as well as the rest of the epistle:—

> "My dear Wylde—I have just received your letter of the 19th. You are perfectly right, and I was wrong, because I considered you only as a military commissioner—overlooking your diplomatic character. I am really sorry for it. You were delicate enough even to tell me, that if I thought your visit to the ex-Count das Antas might be injurious to us, you would not go. I give you my word of honour nothing could be more painful to me than having given cause and right to complain of me. When I was writing, reports from Santarem assured me that the chief of the rebels had formed the whole of his troops, and in a very inflammatory speech had said all sorts of nonsense to make his followers believe you had gone there not only to offer the mediation of England, but to intercede for us. I hope this untoward event will not diminish the good feeling, sincerity, and friendship, that has always subsisted between us; and assuring you that I will never more think of Colonel Wylde without remembering his diplomatic capacity," &c.

And well (continued the noble Lord), well he might remember his diplomatic character. Why, if ever there was a letter which was more calculated to confirm the statement originally made, and utterly to deprive Colonel Wylde of his character as a mediator likely to be useful between the contending parties, it is the second despatch of Saldanha. Why, it proved—the whole circumstances proved—that Colonel Wylde was a mere tool, ever ready to comply with the wishes of Marshal Saldanha. And now, my Lords, I have attempted in the first instance to lay down what I believe to be the wholesome principle of non-interference, and then tried to show that this was a purely internal quarrel, arising from domestic causes, and calculated to excite no alarm which could justify the armed interference of foreign Powers; and having done so, I must confess that I cannot see the necessity which existed for a change of policy which now took place. I cannot see that what was right in principle on the 5th of April, was wrong in principle on the 6th; or how the noble Lord at the head of the Foreign Office succeeded in convincing himself that the arguments which up to a certain date he had been enforcing were wrong, and that the views of the very opposite nature were in future to be urged. I know that the theory is, that from the 5th of April this became an international question. Up to that period there was no ground for complaining of the want of impartiality of the British Government. But after that date matters took a different turn. Ours was no longer a mere offer of mediation, but of mediation accompanied by arbitration. Certain terms were offered to one of the contending parties, and it was intimated that upon their acceptance of these terms Her Majesty's Government were ready to proceed against the insurgents; but on the rejection of the terms in question by the Queen, nothing further was resolved upon or done in the matter. But what, on the other hand, was the offer made to the Junta? We prescribed terms for them to accept—to accept without hesitation, without alteration, without condition. We told them that if they refused to accept these terms, that we—their old protector, England—would come down upon them with the forces of France and Spain—that we would join with the Queen, although we condemned her acts, and that we would compel them to accept the terms which they had dared to refuse. Was that, my Lords, an impartial mediation between two parties struggling about the domestic policy of a nation? And what was the state of things when that intervention was tendered? The forces of the insurgents were in possession of the whole country. Despatches written by our diplomatic agents enlarged upon the insecurity of the Queen's person, called for a ship of war to provide for the safety of the Crown, and I believe that these persons were of opinion that the presence of that very ship of war had a material influence in preventing the complete success of the insurgents. Both Sir H. Seymour and Colonel Wylde agreed that without help from abroad the Queen's cause was desperate, and that the state of the country was most alarming. The insurgent troops were well fed, provisioned, and clothed; but wherever the Queen's troops presented themselves, they found burnt villages, crops carried off, and provisions taken away—every symptom, in fact, of the discontent and disgust with which the population viewed the cause which these troops were employed to defend. It is under these circumstances that we interfered—that in connexion with Spain and France you sanctioned an invasion of Portugal. You have coerced the struggles of a people for the maintenance of constitutional rights; and tell me, now, on what plea was it that you founded this oppressive, this unjustifiable interference of this country, hitherto the protectress of liberty, with the rights of a people—rights you were especially bound to maintain? Reasons, causes, I have heard, but of such a nature, so utterly unworthy, that I do believe that no British Minister would avow them as the grounds of his policy. I know that it has been said that if we did not interfere, other nations would. What nations? France or Spain? My Lords, the question is not whether they would interfere, but whether they were entitled to interfere. Were you, as Ministers of the Crown and conservators of the public faith of treaties—were you bound to permit, or rather were you not bound to prohibit and resist, any such interference? For my own part, I do not think that there was any intention on the part of France to interfere. At the end of February we have M. Guizot writing to Count St. Aulaire as follows:—

> "It appears to us right that Spain, after having obtained the adhesion of the other Courts which took part in the conventions of 1834, should give that assistance to Portugal, with the limits and on the conditions which shall be determined between the two Governments. In making known to Lord Palmerston that such is the opinion of the Government of the King, you will be pleased, Monsieur le Comte, to tell him that we are ready to come to an arrangement with the Cabinets of London, of Madrid, and of Lisbon as to the demand of the Portuguese Government."

On the 18th of March we find M. Guizot again expressing his conviction that the Treaty of Quadruple Alliance had not expired; and in subsequent despatches M.

Guizot stated the readiness of France to interfere, but only in the case of the breaking out of a Miguelite insurrection in Portugal. And here let me remark upon a passage in one of Sir H. Seymour's despatches, in which I find him reporting that it was stated to him by the French Minister at Lisbon that he had tendered to the Queen of Portugal the intervention of France, and that that offer had been respectfully declined. The noble Viscount at the head of the Foreign Office, on the receipt of this intelligence, at once called on the French Ambassador here for an explanation; and he was assured by the Count de Jarnac that the statement was entirely a mistake that any such interference had been proffered. So much, then, for the interference of France. And now as to the interference of Spain. To imagine that in her present condition Spain could for a moment think of interfering in the affairs of Portugal, I hold to be perfectly impossible. The Government of Her Majesty would only have to hold out—so to speak—its little finger, and to say, "The first armed man who crosses the frontier provokes a war with England;" and do you think that the Spanish Government would dare to risk it? Do you think Spain so utterly insane, so utterly reckless of consequences, so unmindful of the respective powers of the country itself and the nation with which it would be brought into collision, as to disregard the injunction of England, and to dare to send a single soldier across the frontier? Take the despatch of the 31st of December, written by Lord Palmerston. How was it couched? Thus:—

> "With reference to your despatch of the 13th instant, I have to acquaint you that the accounts referred to therein of the Miguelite insurrection in Portugal are very much exaggerated, as you will by this time have learnt; and I have to instruct you to state to the Spanish Minister for Foreign Affairs, if any question about military interference by Spain in Portugal should arise, that the British Government expect and require that the Government of Spain should take no step of that kind without the previous concurrence of the British Government."

The same language was held on other occasions; and M. Pacheco distinctly stated that Spain never contemplated taking any isolated steps of interference. But even were the powers of Portugal to be left unaided by England, my firm conviction is that were a Spanish army to enter Portugal with the intention of interposing in a Portuguese question, the inhabitants of that country would arise as one man against the invaders, and that a war of the most exterminating character would be the inevitable result. But now let me ask what you have succeeded in effecting? You have succeeded by your intervention in preventing any effusion of blood. I grant it. But at what risk? Have you advanced nearer to any final settlement of this question? What have you gained for Portugal—for yourselves? Have you gained the personal gratitude of the Sovereign of Portugal? Perhaps, you may. You have saved her Throne, which never was in danger except by her own misgovernment. You have saved the Throne which she might have saved for herself by timely and peaceful concession. But while you have saved the Throne, you have humiliated the Sovereign. You have enforced stipulations which, however just in themselves, are acknowledgments of unconstitutional proceedings. You had the Throne of Portugal tottering to its base. You offered conditions. These conditions, which the Portuguese Ministers and their Spanish advisers would not tolerate, were those which stipulated for an amnesty for the Members of that Junta, who, but for your interference, would have been in a condition to dictate terms, not to accept them. Do you think, then, you have established and confirmed those old friendly feelings so long subsisting between England and Portugal? Will not the people of Portugal say, and can they not say it without exaggeration—"Henceforth tyranny may work its way in Portugal, secure that at the last moment it will be prohibited from the just consequences of the indignation of the people by foreign help, led on by England." Henceforth Portuguese liberty and freedom are but the shadow of a name; for, however great the grievance—however universal the offence given—however unanimous the feeling of the nation—however determined the struggle—and however successful the result—at the last moment the constitutional fruits of victory will be snatched from the partisans of liberty: they will be foully deprived of what they had bravely won—deprived of it by foreign invaders—by the interference of France and Spain, aided by the counsels and assisted by the arms of England? From that time England will no longer be regarded as the protectress and the faithful ally of the Portuguese people, under whose friendship they safely rested, and from whom they feared no invasion of independence, and no violation of right; they will look on England as leagued with their enemies, with the supporters of arbitrary power—as a partisan to the Crown, but not a protector of the people. This will be the immediate consequence of the feeling raised in the Portuguese mind by these recent transactions. And now as to the terms offered by this country. I am not prepared to say that they may not be fair or reasonable, neither do I pretend to say whether the Junta would not have acted more wisely in having at once accepted them; but I do say that it was no unreasonable apprehension, after what they had witnessed of the faith of the Queen of Portugal, which led the Junta to desire some guarantee beyond that of the assurance of the governing powers of the country. Are you quite sure that when you think of withdrawing your forces, there will be a similar feeling manifested on the part of France and Spain? And are you quite sure that you will not be compelled by the obligations of the convention into which you have entered, to extend your interference far beyond the limits you at first contemplated? I ask not, my Lords, what is the interpretation put by the Government on the terms of this convention; but I use my own eyes and understanding as to its meaning. You are bound to give assistance to the Queen of Portugal until the pacification of her dominions is established. When is that to be effected? Does Government mean we are to assist until open rebellion is put down; or are we to attempt the higher object of removing the causes of discontent, not by physical force, but by a conciliation of the affections of the people of Portugal? You stipulate, too, that the Cortes shall be speedily assembled; but if you do not take effectual steps to prevent bribery and corruption, you give the Portuguese no guarantee for their liberties. Now, suppose again the Cortes assembled, and that extreme party had the majority which the Duke de Palmella might have controlled in October, 1846, but are too violent spirits to put up any longer with the course of irritation practised on them. Suppose this majority should proceed to impeach Costa Cabral, what course is the Government prepared to pursue? Are you prepared to see another revolution commence, or to exercise your authority by intercepting the course of public justice, and making yourselves the rulers and dictators of those in power, as you have already made yourselves the selectors of the Members of the Government? I hope, my Lords, the faith of the Crown will now be maintained, I hope that just and fair laws will be framed. I hope the Cortes will fairly represent the feelings of the people. I hope the feelings of parties will not be so irritated as to carry them beyond the bounds of prudence and temperance. I hope that all these things will come to pass; but I must say that my hopes are equally balanced by my apprehensions. Though I repeat what has been done is irrevocable and irreversible—though I trust our agreement will be executed in good faith—and earnestly and anxiously do I hope that it may be so executed, and that the contrary of my apprehension and expectation may turn out to be the fact, and that our proceedings will lead to the restoration of tranquillity and the establishment of constitutional liberty; yet, with the apprehension I entertain—with the full conviction on my own mind of the injustice and impolicy of the course which Government has taken, I could not have felt it consistent with my own duty, and trust your Lordships will not consider it consistent with yours, to abstain from vindicating yourselves in the eyes of the world, and of posterity, against a participation in the course which the Government has pursued; that you will express your sense of the reckless injustice of their proceedings, and enter your protest against what I must call a gross and glaring infraction of the great and fundamental principles of the independence of nations. I beg to move the following resolution, viz.:

> "That the Papers presented to both Houses of Parliament, by Her Majesty's command, afford, in the opinion of this House, no justification for the recent interference of this country, by force of arms, in the internal affairs of Portugal."

The question having been put,

The Marquess of LANSDOWNE said, he felt the great disadvantage under which he laboured in rising to address the House after the lengthened and eloquent discourse which they had just heard from the noble Lord opposite. The noble Lord had cast on the Government the imputation that they erred not by direct intervention; but, by a series of acts which could not fail to and did lead to direct interference, they mixed themselves up unjustly in the affairs of another country. Our interference, he (the Marquess of Lansdowne), on the other hand, maintained, was dictated, not only by humanity, but by the friendly feelings which had ever subsisted between this country and Portugal. When the noble Lord had adverted to the cruelties that had been practised by the Portuguese Government on certain prisoners of war, he had omitted to state that the conduct of Mr. Southern had received the direct and immediate approbation of the Secretary of State for Foreign Affairs, and that in every mode in which language could be employed, that system of cruelty had been reprobated by Her Majesty's advisers. That reprobation, he believed, had had the greatest effect on the conduct and proceedings of the Portuguese Government. But he would now proceed to the general principle involved in the discussion of this question; and here he felt himself greatly relieved by knowing that, in entering upon this subject, he was not called upon by any observations of the noble Lord, nor did he think he should be by any observations of any other noble Lord, to vindicate the expediency, under certain circumstances, of interfering in the concerns and interests of other countries. There had been at all times persons in this country, who, adopting the dictum of the Roman as the principle of our foreign policy, looked upon us *toto penitus divisos orbe Britannos;* and relying upon that separation from the Continent which a small arm of the sea produced, had said that it was our policy and our duty to abstain from everything like interference in the affairs of other countries; but though such opinions had always been held by a small minority, all persons who had deserved the name of statesmen, and had taken a share in the government of this country, had admitted the necessity of that intervention on various occasions involving the interests of this country as connected with the policy and proceedings of foreign States. This question, therefore, was narrowed to the nature of the interference that had been exercised. But before he proceeded to advert to the observations of the noble Lord, he would advert for one moment to that which it was indispensably necessary to bear in mind—the peculiar relation in which this country stood with regard to Portugal. Nothing was more remarkable in history than the uniformity of policy which had connected England with Portugal as an ally. That policy was originated under the Plantagenets, was continued under the Tudors, was adopted by the Stuarts, was maintained even under the Protectorate—which was not the least acute and wise in its foreign relations of the Governments under which this country had lived—and, finally, by the House of Hanover, particularly in the course of the last century. It was founded chiefly upon commercial considerations, and upon that which cemented nations beyond all other things—a reciprocity of good objects, continuing century after century, and tending to the interests of both countries. In such distant places as Japan or Thibet, no consequences that might follow war or insurrection could affect the Government or interests of England; but in Portugal we knew from experience that the contrary was the case — that Portugal never was touched, without an immediate and sensitive sympathy being extended to this country, engaging her interests, affecting her prosperity, and even threatening her with danger. From the speech of the noble Lord it might be supposed that his complaint against the Government was, that they had approved of the misconduct which he had described, and had viewed, not only without reprobation, but with something like the concurrence that was implied by silence, all those acts to which he had alluded which led to the catastrophe that had occurred in Portugal; but let him observe, with respect to that misconduct of the Portuguese Government, which was influenced by the advisers that prevailed for a time in that country, that it formed the main part of the case of the Government of this country, and upon which they claimed the approbation of the House, that they had taken the most effectual means to prevent its recurrence. If their conduct were not good for that, it was good for nothing. It was founded upon the admission that there had been misconduct on the part of the Government of Portugal, which had led to a resistance that was natural, although it might be carried too far. But such a conflict might reach to a height that might be attended with all the horrors of cruelty and devastation, and with a hopelessness of a peaceful issue without other interference. These circumstances had arisen, and made it, as he thought, a case in which, for the purpose of securing the future peace of Portugal, the Government of this country were bound to offer that mediation which it did offer. If they had not taken that course, what would have been the consequence? There were three stages in the proceeding. The first was, that we might have been spectators only of the fearful contest that was going on, and which had originated not only in the transactions which the noble Lord had touched upon with so much elaboration of detail, but with a series of transactions equally violent that had occurred before, and in which those very patriots of whom the noble Lord had spoken had taken a most violent and unconstitutional course in having recourse to arms. He alluded to that for the purpose of showing their Lordships that no one of those persons came clear before the tribunal of the public by which they were to be tried, but that they were amongst the most violent of those by whom the constitution was set at nought. As the contest had advanced, the violence of the parties engaged in it had risen to such a height, that he was perfectly ready to admit that it was as great on the part of the Queen as on the part of the insurrectionists; and the state the country was then in was well described by Sir Hamilton Seymour, who said—

> "I entreat of your Lordship to believe that I fully appreciate the wishes of Her Majesty's Government, that the present wretched struggle should be settled by pacific and conciliatory means. Every day tends to convince me the more of the urgency of these wishes being acted upon. Every day serves to aggravate the miseries of the country; to present want and distress future famine will be added, if those who ought to be employed in cultivating are to be employed in laying waste the land; and no impossible result of the struggle, if allowed to continue, would be that either party alike unable to get the better of the other, both should fall into a state of common and incurable exhaustion."

Was that a state of things in which the Government of this country ought not to have interfered? That interference was not for the purpose of changing a particular Government or a particular dynasty, but to bring back the people to their own constitution, and to restore peace. The noble Lord had shown much research and ingenuity, and had been most eloquent in alluding to various cases of improper interference, and had referred to many instances in which that interference had been resorted to for the purpose of changing a dynasty or overturning a sovereign, and forcing a constitution upon a people who were ill-prepared or indisposed to receive it; but he (the Marquess of Lansdowne) had stated this interference had not been for any one of those objects; it had been only to bring the Sovereign into communication with her subjects, and to found that communication upon the existing constitution of the country. If the Government of this country had not interfered, one of three results might have taken place. First, the Queen of Portugal might, if she had succeeded, have established a despotism. Was that a consummation to be desired? She might have been unsuccessful, and the insurgents, having got the upper hand, might have established a republic; and which no one could doubt they would have done if they had succeeded. And then there was a third contingency. Part of the forces possessed by the insurgents, and by far the most military part, although the leaders carefully disowned anything like an adherence to Don Miguel and the principles of his insurrection, were favourable to Don Miguel; and they might, if they had succeeded, have established the despotism of Don Miguel. There were, therefore, three chances which this country had to contemplate if they did not interfere: the first was the despotism of Donna Maria de Gloria; a republic, with the Junta of Oporto at its head; and the despotism of Don Miguel. Each of those chances involved war, and would have forced upon the Government of this country, even upon the noble Lord himself, the necessity of taking arms for the purpose of counteracting the evils that would have resulted from it. But there was another element besides all those to which he had already referred. There was that which the noble Lord had treated with a sort of contempt that he should have hardly expected from him—namely, the avowed declaration on the part of Spain that she desired to consult with us, and communicate with us as to the best means of interfering. Now, in one of his despatches, Mr. Bulwer said—

> "I have the honour to inform your Lordship that Senor Pacheco, as president of the new Cabinet, delivered yesterday in the Senate and in the Chamber of Deputies, a short speech, containing the programme of the policy which his Administration propose to pursue. As to foreign relations, Senor Pacheco declared that the new Ministry would be entirely Spanish, living on good terms with all other nations, but not consenting to be humiliated by any; adding, with respect to Portugal, that his Cabinet would by no means tolerate the overthrow of the throne of Queen Donna Maria de Gloria."

And Senor Pacheco, in writing to Mr. Bulwer, said—

> "Nevertheless, as it would not be surprising that this mediation may not produce the desired result, the Minister Plenipotentiary will also be duly authorized to negotiate in Lisbon respecting the possible intervention of our arms; neither ought I to conceal from you, that although the Spanish Government will be delighted that in this negotiation the representatives of the Allied Courts accredited at that of Her Most Faithful Majesty, and who signed the Treaty of the Quad-

ruple Alliance, should take part, yet this will not hinder, should it by any event not be possible for the Four Powers to agree and act upon a common and thorough understanding, should a case of urgent necessity occur, that the indispensable remedy would be applied, particularly endeavouring to do so in accordance with Great Britain, and to carry out the intervention in the manner and on the basis which might be determined on between the two Governments. I must, however, state to you, that in the event of a sudden crisis, during which the throne of Donna Maria de Gloria might be overthrown, the Spanish Government could not possibly consent to such a catastrophe, and would act alone, and of its own accord."

Could there be a more distinct statement on the part of the Spanish Government? And it was the more to be attended to, because it was intimated in a friendly spirit, and said with the utmost anxiety to bind us to a full alliance. The noble Lord indeed said, that Spain could only act at the command of the English Minister; but was that the tone in which an English statesman ought to speak of an independent Government? Surely it was somewhat to our own interests to conciliate the feelings of Spain, and to show respect for the independence and authority of parties in that country; and surely this was not the time to tell her statesman that they should not lift their little fingers till the English Minister permitted them, and should not take the position which they felt incumbent upon them for the sake of their country. He did not think that Spain was quite wrong in the determination she had taken; he did not think that Spain, any more than ourselves, could see with indifference what was passing in Portugal. When they saw the union that had been cemented between certain parties in Spain and in Portugal, whose object it was to overturn the Throne and change the dynasty, the Spanish Government could not afford to view with indifference the great changes which were taking place in Portugal. The noble Lord said, that we ought to have held out a threat to Spain: that is what his pacific policy would be! He would get himself involved by a sidewind—not by uniting peaceably, but by making war with Spain; and to allow Spain alone to interfere, would not merely embroil Portugal and Spain, but the ultimate result would be to embroil France and this country. Although the noble Lord had taken advantage of a speech of M. Guizot, in which he denied that there had been any offer of interference on the part of France by herself, it must not be supposed if, in the course of events, Spain had interfered, and the noble Lord had come down with a war upon Spain for such interference, that France would have stood by and remained perfectly neutral. If the noble Lord founded his policy on a calculation of probabilities for the future, he must not make quite so sure of the perfect acquiescence of France while we were attacking Spain. He therefore thought that we had pursued a wise policy upon this occasion; and that we had, as Mr. Canning said in some part of that speech to which the noble Lord referred with so much admiration, not waited for war; we had gone before it, and had prevented it. That was the policy of Mr. Canning; and had not the present Government gone before and prevented war with something like success? One would really suppose, from the noble Lord's speech, that we had played into the hands of the Queen of Portugal and Costa Cabral. But so far from that having been the case, we had endeavoured to reconcile the Queen with the feelings of her subjects, and to give them hopes that we should induce the Queen to recall those arbitrary measures to which the noble Lord had alluded; and when we applied ourselves to this object, he contended that we chose the most proper means that could be adopted. But then the noble Lord said that the gentleman employed to communicate with parties in Portugal was a most unfortunate selection. Why an unfortunate selection? He would tell the noble Lord why he thought that it was, on the contrary, a very fortunate selection; and he would leave the noble Lord to contradict him if he could. He would state that the eminent, distinguished, able, and discreet officer, Colonel Wylde, had been engaged for years in the Peninsular war; he knew well the people of Spain and of Portugal; he had a leaning towards liberalism, and he had been in personal communication with the Liberals of both countries; he had been much in Spain and Portugal, and with his knowledge of the language and the people of both, no more proper party could be appointed. Sir Hamilton Seymour also, from his long acquaintance with negotiations, was peculiarly fitted for the part which had been assigned to him; and he asserted that the noble Lord would fail in showing that any undue feeling had existed on the part of either of these gentlemen, as certainly as he had failed in making out that in the correspondence which had taken place between Marshal Saldanha and Colonel Wylde there had been, because the correspondence was a civil one, any sort of leaning on the part of Colonel Wylde to the cause to which Marshal Saldanha had attached himself. And here he would observe that the noble Lord, in reading Marshal Saldanha's letter, had omitted one of the most important sentences in it. He had not the letter at hand at that moment, but he could quote the words from recollection. Marshal Saldanha said, though the noble Lord thought that the excuse was not sufficient, that Colonel Wylde had a right to find fault. He had now found the passage in question, which ran thus:—"I give you my word of honour, nothing could be more painful to me than having given you cause and right to complain of me." No gentleman surely could have done more; and yet because Colonel Wylde did not at once require the publication of this regret of Marshal Saldanha, who was one of the parties he was to conciliate, and with whom he was to negotiate, in the public streets of Lisbon—because, after procuring this explanation from Marshal Saldanha, he did not insist upon its immediate communication to the Portuguese public—Colonel Wylde was charged with favouritism. Both Colonel Wylde and Sir H. Seymour would naturally, in the first instance, address themselves to the leaders of the Queen's party; it was necessary to reconcile them to the principles of amnesty and conciliation, and it was necessary to obtain their assent before they went to Oporto to announce it. But the noble Lord said, that they went to Oporto with the idea of favouring the views of the Queen and her advisers. Now, what were those views? They were said to be the establishment of despotic government in Portugal; to grind down the resistance of those who opposed them, partly from patriotic and partly from personal motives; and to establish a system totally different from that of the constitution in letter and in spirit. But were these the views and principles which Lord Palmerston wished to see established there? Directly the reverse. Those gentlemen did not go to Portugal to support these views; they went to Portugal expressly charged not to attempt anything like action on the part of this Government, and least of all to apply force, without distinctly stating that those views must be abandoned—that the Legislature should be established fully and effectually—that the Cortes should be convened immediately—and that the Queen's advisers should be dismissed; and it was not the usual course to conciliate the favours of the Court by insisting that the advisers of the Crown should be dismissed. They required, also, that all persons should be included in a general amnesty. In requiring these things, the English Government required all that the country could expect. He should suppose, from parts of the noble Lord's speech, that he contemplated, not without satisfaction, the dethronement of the Sovereign of that country. But, short of dethroning the Sovereign, our Government made it one of their conditions that there should be an assembly of the Cortes elected by the general votes of the inhabitants, and a free amnesty given to all, so that any one who possessed the confidence of the people would be able to obtain power. The noble Lord said that the insurgents had gained nothing: it was true that they had not gained the power of dethroning the Queen, but they had obtained the guarantee of three countries most interested and most able to support them—countries which had not been united for a long time previous, but which were now united in this purpose, and which were well able to guarantee the constitution of Portugal. If the insurgents were honest—if they were not deceiving the country by their proclamations—if their avowals were true that it was not the dethronement of the Queen but the liberties of their country that they desired, those liberties would be now placed on a firmer foundation than if they had rested on a victory gained at Torres Vedras, but which might be lost somewhere else: they were secured not by blood, but by a pacific settlement by the Three Powers whose influence might be supposed to be greatest with the Queen. He said, then, that the best course had been taken in Portugal, not only for her interests, but for the interests of this country. Abstinence from interference, when carried to a certain point, might be correct; but it might be carried too far, not only in private life, but in public affairs. It was right to abstain generally from interference with the conduct of others; but a state of things might arise in which interference would become a duty between man and man, and also between States; the same might be necessary in public or European affairs as it might in social life. He remembered a trial that once took place for a murder committed in the suburbs of London. It appeared that one of the witnesses who was called lodged in the house; he had heard the declarations that had passed—he had heard the knife sharpened with which the murder was committed, and he heard the cries of the victim, whilst he himself remained perfectly quiet. The Judge interrupted him by asking, "Do you mean to say that you did nothing all this time?" To which the man's reply was, "I never interfere in matrimonial disputes." The noble Lord would wait whilst he heard the knife sharpened, and till he heard the cries of the victim, before he would allow the feelings of this country to be excited; but he was sure the noble Lord would not, in the case to which he had alluded, have continued his abstinence from interference till the dispute had ended in blood. In conclusion, he thought the Government had done their duty, above all, by stopping bloodshed. He believed that they had produced the elements of returning tranquillity; he thought that they had given space for action to that portion of the Portuguese nation which had been oppressed by both parties; that in this suspense of arms and in the new Cortes these parties would come forward; and that, under the guarantee of the Three Powers, they would establish a Government in Portugal which would obtain respect in that as well as in other countries, and conduce to the interests of the world. Throughout the Peninsula, and especially in Portugal, Great Britain had possessed great influence, which had conduced to the interests of this country. To exercise that influence now appeared to be wise; while if they allowed matters to go on and avoided all interference, they would not ultimately have avoided war—war which would have been most disgraceful, because it would do no good, and most mischievous, because it would have involved other countries in hostilities. For these reasons he asked their Lordships to give a direct negative to the proposed resolution.

The Duke of WELLINGTON, who was imperfectly heard, said that he had listened with great attention to the very excellent speeches which had been delivered on both sides of the House. Agreeing as he did in all those parts of the speech of his noble Friend (Lord Stanley) which related to the interference of this Government with the details of the Governments of other countries, he must nevertheless say, that this country had a most essential interest in preserving the peace—in maintaining the Government—and, if possible, in preserving the tranquillity of every country in the world; because, in fact, we had most important interests connected with every country on the face of the globe. It was a proud circumstance in the policy of this country that it did not interfere with the internal affairs of other countries; but throughout the world endeavoured to maintain its relations with foreign States by taking a special interest in the preservation of their internal tranquillity, and of maintaining the due powers of the Governments with which we were in friendly alliance. Agreeing as he did in the absolute necessity of the Government of this country refraining from all interference with the internal details of any other Government, he still must express a hope, and, as far as he possessed any knowledge on the subject, he was willing to believe, that it was impossible a British Ambassador or a British Minister could exist in any country in Europe in which he could not exert a most important and predominant influence in maintaining tranquillity in that country; and, moreover, he considered it was in the power of such Minister to exercise great influence over society in the country in which he resided. Possessing that power and that influence, it became his duty to exert it for the purpose of maintaining tranquillity in such country, and giving stability to the Government existing in it. Declaring as he did his conviction, and that for other reasons than those entertained by noble Lords on both sides of the House, that there should be strict abstinence observed in the exercise of any right of interference with the internal government of any country with which we were in a state of alliance, he still maintained that it was the duty of the Ministers of Great Britain, wherever residing, to watch the proceedings that were taking place in every country with which the Sovereign of England had intercourse, and to endeavour by all the means in their power to maintain its tranquillity and the authority of its Government. His noble Friend (Lord Stanley), in the course of his most eloquent speech, upon more than one occasion stated that he had no reason to complain of any particular act of interference on the part of Her Majesty's Government in the course of the transactions that had occurred in Portugal. In truth, every circumstance of which his noble Friend more particularly complained had either happened during the Cabral Administration or the subsequent Administrations which had acted under the influence of the Cabral party. Now, he (the Duke of Wellington) believed that the noble Marquess (the Marquess of Lansdowne) truly stated the case when he said, that those transactions occurred in consequence of the non-interference of the Government of this country; and that it was for want of sufficient interference by England during the administration of that person—Costa Cabral—that such occurrences took place. There was no doubt whatever that all the acts complained of since the dismissal of Cabral, and during the administration of the Marquess de Saldanha, took their rise from the system pursued by Cabral himself. He believed that every word the noble Marquess (the Marquess of Lansdowne) had said upon that subject was perfectly true. He believed that the measures of the Portuguese Government at that time were frequently remonstrated against by our Minister at Lisbon. The noble Lord who was British Minister there did on many occasions remonstrate and urge upon the Portuguese Government the necessity of conducting their proceedings upon proper principles; and, as far as it was in his power, he endeavoured to make them do so. This had been the common course of the British Minister ever since the re-establishment of the Cabral party in Portugal. But, notwithstanding our friendly interference, and the efforts made by the British Minister to do the utmost he could to put an end to these practices on the part of the Portuguese Government, from a desire to maintain the authority of the Queen — notwithstanding all this, there was no doubt Portugal was at that time in a state of considerable disturbance and misgovernment. There was likewise no doubt that, although it should prove we were under the obligation of avoiding all interference with the internal affairs of Portugal, yet it was true, as stated by the noble Marquess, that our old relations with Portugal, our commercial relations with Portugal, our political interest in the position which Portugal should maintain among the independent kingdoms of Europe, and consequently our interest in preserving tranquillity in Portugal; that all these considerations required that England should exercise its friendly influence in preserving quiet, order, and good government in that country. In saying this, he was not countenancing any interference with the internal details of the Portuguese Government. All that he contended for was, that this country had a right to exercise that legitimate influence which belonged to every friendly Government which was considered necessary for maintaining tranquillity among the people. It could not be denied that it was a duty of this Government to provide means of protection for the subjects of Her Britannic Majesty who were residing in Portugal. It was right that we should have a sufficient force near that country to protect their lives and property. It did so happen that we had such a force. Now, his noble Friend (Lord Stanley) had said, that, whether the Government of the Sovereign of Portugal was misconducted or not—whether the civil war was misconducted or not—still the person of the Sovereign ought not to be endangered; and that the officer commanding the naval force of this country which was on the spot ought to give protection to that Sovereign. In this opinion he (the Duke of Wellington) entirely concurred. Here was a country in a state of general insurrection, with its military force nearly equally divided. No great military event had occurred, but the country was governed by two parties; there was the Government of the insurgents at Oporto, and the Government of the Queen at the head-quarters, Lisbon. The Queen's forces were at the latter place, the insurgent forces were at the former. The parties were nearly equally divided; so equally divided, that neither party appeared capable of putting a speedy termination to the contest; and in that case our Minister interfered with a view to causing a formal suspension of hostilities. In addition to this, it was found that there was nearly an equality of the two parties at Oporto, and nearly also an equality of the two parties at Lisbon. Such was the state of things, and such the balanced position of the adherents of the Queen of Portugal and of the insurgents, when presently it was ascertained that the general commanding the insurgent troops at Oporto, consisting of 3,000, 4,000, or 5,000 men (whatever the number might be), embarked them at that port with the intention of taking them down to Lisbon, to make sure of effecting the dethronement of the Queen—to make sure of the necessity of Her Majesty quitting her palace, and possibly being obliged to seek protection on board the British fleet. Was this an object which it was desirable for this country to see accomplished? On the contrary, was it not an object which it was desirable for this country, under any circumstances, to prevent? That object had been prevented. The attempt to send those troops to Lisbon had been put down. The officer commanding the British ships off Oporto was instructed to blockade the Douro; and when Colonel Wylde, who was employed in conducting a mediation between the contending parties, found that he could not prevent hostilities by an armistice, he then gave notice to the general and to the insurgents at Oporto that he would not permit them to go from Oporto for the purpose of putting an end to the Queen's Government at Lisbon. Was it possible that the mediating Power could have acted otherwise, or could have permitted these hostilities to go on? The effect of a mediation, in a public point of view, was that of a national mediation; and in this case the real mediator was Her Majesty the Queen of England. Now, their Lordships must know that a mediator, as such, must be possessed of some degree of military or naval power to sustain its guarantees. In the present instance, was it possible for Her Majesty to provide a force in any other manner than by the equipment of a fleet? Mediation alone, without being prepared with a proper description of force, if necesary, to carry it into effect, might be depended upon too much. But, not being able to mediate by ourselves in this affair, the Government of Portugal asked the mediation of two other countries—France and Spain; and he thought the British Government was quite right in joining those two countries in conducting the mediation, and, if necessary, in enforcing it, and in all probability thereby securing the Queen of Portugal on her throne. He hoped these three mediating Powers—England, France, and Spain—would take care to make proper arrangements for the tranquillity of Portugal, if possible, by means of mediation alone. He certainly should be happy to see that mediation, instead of being established and conducted by one country, conducted and established by two or three. The independence of the country which required the mediation to be exercised, would be better secured by there being a number of mediators than if there were only one. This his noble Friend (Lord Stanley) must readily acknowledge, the moment he reflected that no independent act could be done by France, or Spain, or England alone in the affairs of Portugal; but that there must be a joint action and a joint influence exercised in regard to that country, or none at all, excepting so far as any such might arise from the good understanding existing between Portugal and any of the mediating Powers. He thought the Government of this country was justified, when the Queen of Portugal asked it, in conjunction with two other Powers, to mediate between her and her revolted subjects, to accede to that request, and to enter upon that mediation with a perfect good understanding with France and Spain. And here he must observe, that by the course which Her Majesty's Government had taken, they had brought this question to a stage at which, for the moment at least, an end had been put to all danger, and that there was no longer any necessity for those preparations of force which, at the commencement, it was deemed prudent to demonstrate. Nay, he believed that since the intelligence of the seizure of the insurgent general and his troops, a suspension of hostilities had been agreed upon between the Government of the Queen of Portugal and the Junta Oporto. Under these circumstances, he would ask their Lordships whether it would be wise or prudent for them to come to a vote of censure against the Government for what they had done in this matter? If their Lordships were of opinion that Her Majesty's Government ought to settle this question as soon as possible, what, he would ask, would be the effect of an adverse vote by the House of Lords on their proceedings? If, indeed, their Lordships passed a vote approving of all that had been done, then it might aid their efforts in accomplishing the object they were seeking to attain; but his noble Friend (Lord Stanley) had called upon their Lordships to pronounce a vote of censure upon the course which Her Majesty's Government had pursued. Should their Lordships accede to this invitation of the noble Lord, the effect of it would be to prevent Her Majesty's Government from having the opportunity to bring to a successful issue the mediation which they had undertaken, and which they had hitherto conducted in so satisfactory a manner. He hoped, therefore, their Lordships would not vote for the Resolution moved by his noble Friend; and, for the reasons he had stated, he certainly himself could not support it.

The EARL of WINCHILSEA was of opinion that the Government of the Queen of Portugal were the offending parties, and that they had provoked the people into a state of hostility, and justifiable hostility, against the Government, for the arbitrary acts which it had committed, in violation of the constitution. Was he to be told, that, however despotic and tyrannical the Queen's Government might be, England was justified in interfering to put down resistance to it? What would the people of Portugal think of such a doctrine as that their submission might be extorted by the arms of England, France, and Spain? Looking at all the transactions of that Government—looking at the acts of cruelty of which it had been guilty—it appeared to him that we were not entitled to interfere on its behalf. Men who had been ready to lay down their lives in the Queen's defence, had been put to a cruel death by banishment to a destructive climate. He had heard that the other House of Parliament had separated without coming to a vote upon this question—a question so important. He could only say that if their Lordships did not condemn the course of policy which the Government had pursued—if they thought it one which they would like to see acted upon on other occasions, and desired to support an interference with the affairs of other countries which might be exercised in our own—they would proclaim it by their vote. But if, as friends of constitutional liberty, they thought that no Government was justified in interfering in the internal affairs of any other country, then, unless they refused their sanction to the principle adopted by Her Majesty's Government, England would no longer hold the high station she now held. He was convinced that the Three Powers which had turned their backs upon Portugal, would rue the day they did so; and, in conclusion, he gave his most cordial support to the Motion of his noble Friend.

The Earl of ST. GERMANS said, that, having listened attentively to the speech of his noble Friend (Lord Stanley), he would briefly state the opinion he had formed. He could assure their Lordships that he brought a very impartial mind to this question; and he had arrived at the conclusion that Her Majesty's Government, in choosing the course they had pursued, had selected that which presented the fewest difficulties, and incurred the smallest risk. Although he was no advocate of interference in the affairs of other nations, he agreed with the noble Marquess that there might be circumstances in which such interference would be not only necessary for the interests of this country, but for the good of another country with which we might be connected. He admitted that the enormities of the Queen's Government had been great; but it was to prevent the continuance of those enormities that England had interfered; and by no other means, he believed, could they have been stayed. If Spain had interfered alone, and England had remained passive, as had been suggested was the proper course, could any one suppose that Spain would have made those stipulations for the maintenance of constitutional privileges which England had made? He denied that that would have been the case. He believed that Spain would have marched an army into Lisbon; that they would have joined the Queen's forces, and have established an absolute monarchy in Portugal. He said, then, that it was for the advantage of the rights and liberties of the people of Portugal that England had interfered as she had done. Mr. Southern had stated that a Miguelite party existed in Portugal; and it was his (the Earl of St. Germans') firm belief that at this moment there was a very strong Miguelite party in that country. He believed, with Mr. Southern, that if they had sunk their differences, and joined the Junta, great disorder and misery would have ensued. For these reasons he looked upon the policy of the Government with regard to Portugal as deserving all praise. He thought that the agents of our Government in Portugal had combined firmness with conciliation, and that nothing could be more successful than their policy, and that it would eventually lead to the permanent settlement of affairs in Portugal. He believed that Colonel Wylde had well discharged the delicate mission with which he had been entrusted, his acts having been honest, straightforward, and conciliatory. The choice of the Government lay between courses of extreme difficulty; and although he did not conceal from himself that there might be some danger in the course they had pursued, on the other hand he considered that the evils and miseries which might have resulted from the adoption of a different course would have been much greater. He could not, therefore, support the Motion of his noble Friend.

Lord BEAUMONT said, he felt considerable embarrassment in addressing the House on the present occasion; for although he was not prepared to go the length implied by the Motion of the noble Lord opposite, and condemn entirely the policy of Her Majesty's Government, he must nevertheless allow that that policy was open to much criticism, and might well be considered as establishing a precedent which, if not well guarded, would inevitably lead to dangerous consequences. He could not consent to view this question in the only lights in which the noble Duke on the cross benches had placed it; nor could he consider it in the narrow limits in which the noble Duke had attempted to confine it. It could not be looked upon as merely a question of momentary expediency, one which must be weighed according to the mere exigencies of passing events, in which we must confine our observation to the present state of the belligerent parties in Portugal, without calculating future consequences, or preparing to meet subsequent difficulties; but, on the contrary, he contended that it must be looked upon as one in which they were professing a decided principle, and which would be quoted hereafter for or against them in proportion as it was founded in justice and wisdom. The great question of neutrality was involved in the present debate; and they were now called upon to state to what extent and under what circumstances a great principle which all parties seemed anxious to acknowledge was to be departed from. It was scarcely necessary for the noble Lord to quote the numerous authorities he had done on the subject; for no one he (Lord Beaumont) presumed was bold enough to deny that interference in the purely internal affairs of a foreign country was wrong in principle, and dangerous to the independence of nations. Such a line of policy generally recoils on the interfering party; and if we do not be careful that our present proceedings in Portugal are not drawn into a precedent, the time may come when some other Power shall interfere, to our cost, in the internal affairs of a neighbouring nation, and we be obliged to stand silent by, lest our protest be at variance with our example. He was not, however, desirous to carry the principle of neutrality to such an extent as to say that in no instance could that principle be modified or departed from. In the present case, two circumstances might have arisen, either of which would have authorized this country in breaking its hitherto observed neutrality. The one case was the existence of circumstances in the Peninsula, tending to endanger the fulfilment of the terms of a treaty to which we were a party. If the movement had partaken of a decided Miguelite character, it would have threatened to violate a treaty which this country is bound to maintain. If, as had been over and over again attempted to be proved by Saldanha and other partisans of the Queen, that in the forces of the Junta the Miguelite generals had such a preponderance as to add materially to the prospects of the Pretender's success, England would have been obliged to interfere and revive the Quadruple Alliance, inasmuch as a movement which tends to give a dangerous predominance to Don Miguel's adherents tends directly to the violation of the terms imposed on Portugal by that celebrated treaty. Had the noble Viscount at the head of the Foreign Office listened to the statements and representations made both at Lisbon and Madrid in respect to the coalition between the Junta and the Miguelites, and the great influence which the latter exercised in the councils of Oporto; or had he taken the view which France had taken of the struggle, he might have joined M. Guizot in an appeal to the Quadruple Treaty, and flown to the defence of the Throne of Donna Maria. But on more than one occasion, the noble Viscount denied the possibility of the Miguelite party ever gaining such an ascendancy or mustering in such force as to authorize us to make the provisions of the Quadruple Alliance the grounds of our interference; and he rejected all overtures which proposed that treaty as the basis of our negotiations. There was another case in which he should have been justified, under existing treaties, in interfering in the present struggle in Portugal. Such a state of things as would have made an invasion of Portugal by Spain inevitable, would have enabled us to have taken a part in restoring the tranquillity of the country; for, in case of a Spanish or French invasion, we are bound to assist Portugal in repelling the invading armies; and we are consequently entitled to take precautions against such contingency. But nothing had been said or was to be found in the papers which could justify the conclusion that either France or Spain intended a hostile invasion of Portugal; in fact, he (Lord Beaumont) was strongly of opinion that even a single-handed interference was never contemplated by either Power. The noble Marquess the President of the Council had indeed read extracts from the papers on the Table, in which allusion was made to a speech delivered in the Cortes at Madrid, by Senor Pacheco; but that speech in his (Lord Beaumont's) opinion, referred only to the case of a Miguelite insurrection: for, though in the passage read by the noble Marquess, Mr. Bulwer states that Senor Pacheco declared that his Cabinet would not tolerate the overthrow of the Throne of Donna Maria de Gloria, he, in his next letter, adds—

> "With respect to M. Pacheco's declaration in the Senate and Chamber of Deputies as to the Throne of Queen Donna Maria, I understand that the Government considers Her Majesty's Throne only threatened by Don Miguel, and not by either of the two more or less liberal parties who equally profess allegiance to Her Most Faithful Majesty."

It is true that in an extract from another despatch, Mr. Bulwer is represented as assuring the British Government, that an armed intervention of Spain in Portugal may take place in spite of all his efforts; but there was nothing to show that this did not refer to the idea so earnestly impressed on Spain, and so generally entertained at Madrid, that the partisans of the Pretender to the Throne were the strongest part of the forces in revolt against the Queen. If he (Lord Beaumont) read the papers rightly, the meaning of all these passages alluded to an armed intervention under the provisions of the Quadruple Treaty. But even supposing that Spain was anxious to interfere even in a case where the Quadruple Treaty was not violated, he (Lord Beaumont) still maintained that Spain, in contemplating such interference, contemplated it only in conjunction with England. The whole tenor of the correspondence went to that conclusion; and as a proof of the intention of Spain not to interfere, except with the assistance or in conjunction with England, he (Lord Beaumont) put forth the fact, that up to the period of our change of policy the Spaniard had not crossed the frontier, or declared his intention so to do. In respect to France, there was no indication whatsoever that she intended to act alone; but she had betrayed a great anxiety to induce this country to come forward and act in unison with the parties who had signed the Quadruple Alliance, for the purpose of preserving the Throne to Donna Maria. She, like Spain, took a view of the subject different from that taken by Lord Palmerston. She thought that a case had arisen which was likely to cause the Throne of Portugal to be vacated, and that in expectation of such a probable event, the Four Powers should combine their efforts to prevent the continuation of the struggle. M. Guizot's view of the Portuguese question was one founded on the obligation of the Quadruple Treaty, and the possibility of a forcible abdication on the part of the Queen; so that in M. Guizot's view of the case, it was evident that France could not contemplate separate interference, but must have advised and acted with the other contracting Powers. The noble Viscount at the head of the Foreign Office, however, still refused to enter into the views of either France or Spain on the subject: he abandoned altogether the grounds on which either of those Powers were willing to cooperate with England in preventing the downfal of Donna Maria's Throne. The Quadruple Treaty, according to the noble Viscount, had accomplished its end, and answered the purpose for which it was signed: it had established the present dynasty, and no rival was in the field; in this instance, the question in dispute was not the pretensions of two claimants—not a question as between the Queen and a Pretender to the Throne—but a struggle between the Government or Queen's Ministers, and those whom that Government had compelled to take up arms to recover their constitutional rights. By abandoning the plea founded on the Quadruple Alliance, the noble Viscount abandoned the only position in which he could quote a treaty as a justification of his interference; for the Quadruple Treaty was the only one which authorized our taking a part in the internal affairs of Portugal. All our other treaties have reference to the supposition of a hostile invasion on the part of France or Spain. He (Lord Beaumont), however, acknowledged that there might be a case in which one Power might interfere in the internal affairs of another, without the authority or obligation of a treaty. If civil commotions of any of the Powers of Europe tended to disturb the peace of neighbouring countries, and the belligerent parties were so equally balanced as to hold out no probability of an early termination to their contests, it would be justifiable for the countries whose peace was endangered by such a prolonged state of things to interfere and put an end to the struggle. But that was not the case with Portugal: neither England nor Spain were exposed to any danger by the contest between the Court of Lisbon and the Junta of Oporto, nor was there any probability at the moment we interfered of that contest lasting much longer. If British interests had been seriously injured, or if the conduct of the Junta had threatened to destroy the privileges and advantages our commerce is entitled to in Portugal, we might have justly taken steps to oppose such arbitrary proceedings, and interfered in our own behalf: but nothing of the sort had taken place; no excuse of that sort could be pleaded—nay, the very contrary was the case: instead of British interests being endangered, the Junta had from the first preserved and protected them; English merchants were in perfect safety at Oporto, and the suggestions of the British Consul had invariably been attended to. While the Queen's party and advisers were turning a deaf ear to our protests and remonstrances, the Junta were acting in such a manner as to entitle them to the praise and gratitude of the British residents; for the English merchants at Oporto had signed an address to the Junta, thanking them in the strongest terms for the able manner in which they had given security to British property, and expressing their confidence and reliance on the discretion and good will of the Junta. He (Lord Beaumont) must therefore confess that our interference could not be defended on any of the three grounds he had alluded to—the obligations of treaties, the danger to the peace of Europe, or the particular injury to British interests. From the manner in which we had taken part, he (Lord Beaumont) feared that the conclusion generally drawn would be, that we were the partisans of the Court party, and had been animated with hostility to the constitutional party; in which case we would be ostensibly abettors of the monstrous proceedings of the Camarilla at Lisbon, and enemies to the brave resistance made at Oporto to an attempt on the lawful liberties of the people. In our negotiations we had only offered to interfere to the Queen's party, but had insisted on interfering with the constitutional party. We left the Queen the choice of accepting our proposals or declining them; but we left no option to the Junta after once the Queen had agreed to the terms. Considering the reduced state of the Queen's forces and the increasing strength of the Junta, our terms were favourable to the one, and less than what the other could (if left alone) have enforced. We negotiated in a friendly way with the Queen, who had forfeited all claims to consideration, and bullied the Junta, who were the voice of the nation struggling for its rights. The inference is therefore reasonable, that of the two parties we approved of the Queen's rather than of the Junta's; and by doing so, we made ourselves the abettors of her recent proceedings. He (Lord Beamont) was at a loss to understand why we had selected the precise moment of the Queen's incapacity to move her forces on Oporto for our interference, unless we felt a bias in her favour. If our interference at this juncture was justifiable, it would have been equally so at an earlier period; or if we were right in refusing to interfere in the previous stages of the struggle, we were wrong in coming forward now. Nothing had occurred to alter the character of the contest: the objects were the same, and the belligerent parties had done nothing to change our relations toward them. If it was to save the constitution, the constitution had been in much greater danger at the earlier stages of the civil war than at present: if it was to protect the Queen, the Queen's life and her Crown were in no danger from the triumph of the Junta, who fought in the name of the Queen and the constitution. He (Lord Beaumont), however, must confess that he agreed with the noble Marquess below him, that as to the question which party had violated the constitution, the only answer that could be given was, that it had been violated by both. As far back as February 1842, when the Charter of 1826 was substituted for the Code of 1838, great constitutional changes commenced in Portugal. During the whole of the Administration of which the Duke of Terceira was President, and into which Costa Cabral forced himself as Minister of the Interior, a constitutional revolution was going on. Many of those now in arms in the cause of the Junta, to say nothing of the Miguelite generals, had partaken in or connived at great changes in the constitution, and, to the very last, attempts to alter the law of elections were made by both parties now in arms against each other. If he was rightly informed, one of the additional conditions proposed by the Junta, as the terms of their accepting the proposals of England, was to change the system of elections, so as they could, in their opinion, secure a majority in the Cortes. Changes were proposed and effected during the short Administration of Palmella; but these changes, though affecting the constitution, were not to be compared with the violent measures and tyrannical proceedings of the Costa Cabral party; and, again, the violent measures of the Terceira Administration were as nothing compared with the conduct of the Court since the 6th of October. The outrages on the liberty of the subject which led to the revolution of the Minho, were bad enough; but the Queen's party, since she assumed the absolute government, out-Herods Herod. Now if we were justified in interfering at all, ought we not to have interfered at an earlier period? Had nothing occurred on the 6th of October, and during the few days following, to endanger the constitution we are so anxious about, rouse the people to revolt, and create the very state of things which we now plead as the grounds of our armed interference? If we were to interfere at all, did not the Queen's conduct prove the necessity of our coming forward at once, and not waiting till now? Had she not broken every promise, abandoned all intention to call the Cortes together, declared her resolution to govern by decree, and driven the people to revolt by leaving them no choice but an absolute government, or resistance to her pretensions? Was not that period as critical a period as the present? Then, again, what could be said in respect of her conduct to the prisoners of Torres Vedras, when she refused to listen to our entreaties or respect our protest? Had not the conduct of the Queen's party, on all these occasions, placed the country in as alarming a state as it was in now; and was not every argument now used to defend our interference as applicable to the former periods as to the present? Since the 6th of October, has not every circumstance which we now urge as the motive of our conduct existed in its full force? Were not the causes of our alarm lest the constitution should be lost in an absolute monarchy, or the person of the Queen exposed to hatred, just as evident as it is at this moment? Yet, from the 6th of October up to the 3rd of April, had not the Government invariably declared its determination to maintain a strict neutrality, unless the rights of British subjects were violated, or British interests exposed to serious danger? When he (Lord Beaumont) had called the attention of the House to the treatment of the prisoners taken at Torres Vedras, the noble Marquess the President of the Council laid down the doctrine that we were not justified in interfering in the internal affairs of an independent country, unless in compliance with pre-existing treaties, or in cases where British interests were injured. To that principle he (Lord Beaumont) acceded as the one which ought to guide our general policy; but he, on the same occasion, admitted that there might be peculiar circumstances attending civil wars which would justify our departing from the strict rule of neutrality as laid down by the noble Marquess. Neither the noble Marquess nor the House allowed that such peculiar circumstances existed in the case of Portugal. An excuse, however—he could call it nothing more—had been put forth for the interference of this Government, which excuse, if adopted, was of a very dangerous character. It had not been relied on by the noble Marquess that evening; but if not disowned, might lead to the conviction that the policy of this country was at the mercy of a few foreign intrigants. It had been stated over and over again, that our change of policy on the present occasion had been forced upon us by what had taken place at the Courts of Madrid and Paris—that an intrigue had been set on foot by the Portuguese Minister at Madrid which would lead to Spanish interference in the struggle in Portugal — that the same intrigue had extended its influence to Paris—and that the object of the parties thus intriguing, both in Paris and Madrid, was under the alarm of a separate interference on the part of either France or Spain to compel this country to abandon its doctrine of neutrality. The intrigue must have been most successful; for it is said now, that we were reduced to such straits that the least of the evils left to our choice was to change suddenly our opinions, and do that of our own accord which, when proposed to us by France and Spain, we solemnly protested against. In other words, we acted, not on what we ourselves considered to be just or honourable towards an ally, but under compulsion, and at the dictate of a petty society of intriguing men at Madrid. If such motives as these were the grounds of our interference, what would be the inference drawn? Why, that hereafter England, after having adopted a certain policy in accordance with her sense of justice, might be obliged to abandon it in order to adopt one that suited the plans and gratified the ambition of a clique of intrigants in a foreign capital. The noble Lord has stated, and justly stated, that there was some degree of partiality in the manner in which the proposals of the British Government were made to the two contending parties. On the other hand, it is said, that the unconditional acceptance by the Queen contrasted with the alterations suggested by the Junta. It might be so; but he (Lord Beaumont) maintained, that the additional terms proposed by the Junta were, with one exception, not only reasonable, but necessary: they were only the necessary guarantees for the performance of the very stipulations contained in the proposal made by this country, and safeguards against the violation of the conditions imposed by the Three Powers on the Queen. Without the additional articles there was no reliance to be placed on the promise of the Court party. What means had the British Government of securing the future good conduct and faithful compliance with the laws of the constitution on the part of the Queen's followers, unless they were prepared to maintain a permanent force in the Tagus, and keep up a constant interference in the internal government of Portugal? Even as it is, with the force we have there at present, no reliance can be placed on the Government. If we intend to keep our engagements with the Junta, either we or one of our allies must undertake to watch every movement of the Court, and interfere in the domestic arrangements of the country. Portugal must submit to a Spanish occupation, or we must take her into our own hands and govern her like a province, or the terms we have now imposed on the belligerent parties will be broken or defeated. He (Lord Beaumont) had said enough to show that he considered the last steps taken by the British Cabinet, of doubtful policy; but he by no means doubted the sincerity of their intentions, or the just character of the object they had ultimately in view; for he believed their interference was dictated by the hope of securing to the greatest extent possible both the liberties of the people and the personal safety of the military leaders who had been in arms against the Queen's Government. He believed that while they intended to support the dynasty on the Throne, they wished to enforce on the Queen a compliance with the just demands of the constitutional party, and a faithful fulfilment of the terms proposed by this country and agreed to by the Court. He, therefore, although he might doubt whether they had taken the best means to attain their object, was not prepared to vote a total want of confidence in the Government, or condemn wholesale their policy. The noble Lord's Motion went to that extent, and he (Lord Beaumont) should, therefore, vote against it.

Earl GRANVILLE said, that as far as regarded the unconstitutional acts of the Portuguese Government, and the cruelty practised in Portugal, he believed their Lordships were unanimous in their condemnation of those proceedings; but that, he thought, was not the question before the House. He considered the Government were perfectly justified in adopting the course they had taken, seeing that it was the only one which, under the circumstances, was open to them. It should be recollected that they had secured to the Opposition party in Portugal all the objects which the Opposition professed to wish for, and even more than they originally demanded. The Conde das Antas stated in the first instance that he would be satisfied with the guarantee of the Queen; but the Junta had now the additional guarantee of the Three great Powers for their demands. Besides, the stipulations were to be carried out immediately—the unconstitutional acts committed since October were to be annulled—the Cortes to be instantly convoked, and a general amnesty secured. He trusted their Lordships would do nothing by their votes that evening to diminish such a happy termination to the revolution.

Their Lordships then divided:—Contents 47; Non-contents 66: Majority 19.

Resolved in the negative.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 15, 1847.

Minutes.] **Petitions Presented.** By Mr. J. Round, from Colchester, for the Reduction of Lighthouse Dues.—From John Quail, M.D., a Member of the Royal College of Surgeons in London, for the Settlement of the Claims of British Auxiliaries (Portugal).—From J. Morison and others, for Restricting the Sale of Chemical Poisons.—By the Earl of Arundel and Surrey and other hon. Members, from Catholics of several places, for Alteration of the proposed Plan of Education.—By Mr. W. Denison and other hon. Members, from several places, in favour of the Health of Towns Bill.—By Sir F. Thesiger, from Henry Maturin Quinan and William Webb, the Examiners in Chief of the High Court of Chancery in Ireland, for Compensation respecting the Incumbered Estates (Ireland) Bill.—By Sir G. Grey, from several places, in favour of the Medical Registration and Medical Law Amendment Bill.—By Mr. Cripps, from Master, Wardens, and Assistants of the Company of Butchers of the City of London, and by Mr. Halsey, from Farmers and Graziers attending Watford Market, against the Removal of Smithfield Market.

ECCLESIASTICAL COMMISSION.

Mr. E. DENISON, with reference to the Motion which stood on the Paper for a Select Committee to inquire into the composition and management of the English Ecclesiastical Commission, said, that it certainly would have been his wish to preface it with a few words; but, seeing what was the wish of the House, he would content himself with simply asking the consent of the House to it, trusting that, in so doing, he would not be thought deficient in respect either to the House or the Ecclesiastical Commissioners. He would only say, that it was with a sincere desire that the Church should be maintained and preserved in all its rights, and with a perfect respect for the Ecclesiastical Commissioners, whose objects he desired to promote, that he had brought the Motion forward. He accordingly moved the appointment of the Committee.

Sir R. H. INGLIS said, that seeing this was the 15th of June, he thought his hon. Friend must be a man of a very sanguine temperament, or very self-devoted, to propose making such an inquiry at such a time. He must surely be in the hope that Parliament would sit till the 15th of September at least.

Motion agreed to.

PORTUGAL.—ADJOURNED DEBATE (THIRD NIGHT).

On the question that the Order of the Day be read for resuming the Adjourned Debate on Portugal,

Mr. B. OSBORNE said, that the publication of the correspondence of the French Government with this Government gave a new complexion to the intervention in Portugal; he wished to know whether the noble Lord (Lord J. Russell) was prepared to lay on the Table a copy of any despatch previous to the 1st of May, authorizing Colonel Wylde to threaten Sa da Bandeira with the armed resistance of the British forces?

Lord J. RUSSELL replied, that all the papers were already on the Table.

Mr. BANKES gave notice that, in the event of the resolution of the hon. Member for Montrose (Mr. Hume) being negatived, and that of the hon. Member for Finsbury being carried, he proposed to move the addition of the following words:—

> "But this House laments that Her Majesty's responsible advisers should have recommended Her Majesty to interfere by force of arms, on behalf of either of the two parties who are engaged in the civil war, without any communication on the subject from Her Majesty to her faithful Commons."

Lord J. RUSSELL wished to address a few words to his hon. Friend the Member for Finsbury, with respect to the Amendment he had proposed to the Motion of the hon. Member for Montrose. His (Lord J. Russell's) right hon. Friend the Member for Edinburgh had stated, and in that statement he fully concurred, that in the sentiment and language of that Amendment the Government were quite ready to agree; but he was afraid that if that Amendment were put to the House as a substitute for the Motion of the hon. Member for Montrose, it might be interpreted that no decision of the House had been given upon that Motion. He should wish, therefore—if his hon. Friend had no objection—that the Motion of the hon. Member for Montrose, which was a direct censure on the Government, should be put to the House first; and that his hon. Friend should afterwards move his resolution, which, either in the shape of a resolution or of an Address to the Crown, he should be happy to support.

Mr. DUNCOMBE had no objection to meet the wishes of the House as to the manner in which the question should be put; his only object was to secure in the *melée* of parties on this subject some benefit to the people of Portugal. He was quite ready then to adopt the course suggested by the noble Lord, on condition, it was understood, that the Motion should not be afterwards withdrawn.

Mr. TRELAWNY inquired whether the hon. Member for Finsbury, in using the words in his Motion, "every just means in their power," contemplated the use of arms in order "to secure to the people of Portugal the full enjoyment of their constitutional rights and privileges."

Mr. DUNCOMBE replied, that he was not Minister of War.

Order of the Day read,

Sir De L. EVANS was understood to deny the assertion of a previous speaker, that civil war had been excited and provoked in Portugal by Her Majesty's Government. He should rejoice at the conversion of the noble Lord the Member for Lynn, and the hon. Member for Evesham, to liberal principles, if he could believe that they would persist in the same course after that was accomplished for which they joined in a vote of censure upon Ministers. The supporters of the Motion had failed to establish the proposition that foreign intervention in the internal affairs of a nation was always attended with bad consequences. The authorities on the law of nations had laid it down as a rule, that foreign interference was justifiable in a case of civil war. He contended that Das Antas had received due notice that his ships would be captured if they put to sea.

Those who objected to what the Government had done, did not venture to say what they would have had them do. If our Government had looked quietly on, until the triumphant popular party had taken possession of the government, what guarantee would have existed for their prudence and moderation? So far from this country having interfered to suppress popular rights, it appeared to him that it interfered to insist on the maintenance of them. He had a sincere wish for the security of the liberties of Spain and Portugal; he had been concerned in the revolutions of both those countries; and the liberal parties in both of them had expressed a wish that he should take the command of their armies, notwithstanding some aspersions that had been cast upon him in other places: this was not merely from any professional pretensions on his part, but from a reliance on his wish to support the liberal cause. He believed the Government in this intervention had only a choice of evils before it, and that it had taken the least. It had incurred a deep responsibility; it was bound to see that free institutions were given to Portugal; and that responsibility England was able to undertake.

Sir R. PEEL rose with several hon. Members on different sides of the House; but the other hon. Gentlemen giving way, the right hon. Baronet proceeded to address the House. He said: Sir, as this debate has lasted two nights, and as I think the practice that has grown up of confining the more important part of the debate to two or three hours at the close of the evening, is prejudicial to the public service, because it leads to an unnecessary consumption of the public time, I intend, as far as my humble authority will go, to enter a practical protest against it, by delivering the few observations I have to make at this, to a speaker, unpopular hour of the evening. Sir, I perfectly concur in an observation made in the course of this debate, that the decision to which the House should come ought to be a decision on the abstract merits of the question. I agree that no consideration of the position of Her Majesty's Government, or of the pendency of a general election, or of the embarrassment that might arise from a sudden change of a Ministry, ought to induce the House to give its sanction to the policy of the Government, or withhold its assent from the Motion that has been made, if this House does really believe that the object of the recent intervention has been to support absolute power in Portugal, or that the consequences of persevering in that intervention will be to endanger the public tranquillity in Portugal, or involve this country in imminent peril of war. There are many Motions of light importance in respect to which the decision may, I think, be fairly influenced by extrinsic considerations; but this is not one of them. This question is of too much importance to be treated or decided upon any other grounds than its own intrinsic merits: upon that principle alone I shall give my vote upon it.

Sir, we are called on by the Motion of the hon. Member for Montrose to affirm that, in the opinion of this House, an armed interference between political parties in Portugal is unwarrantable in principle, and likely to be attended with serious and mischievous consequences. That vote will be a vote of censure, if not direct, yet implied, upon the Government; and the consequence of it will practically be the reversal of the policy on which the Government has entered. An adverse expression of opinion on the part of this House will completely paralyse the hands which direct it. And the question is, whether I am justified by considerations of justice and public policy, in affirming a proposition which implies not only a censure on the Government, but an abandonment of the policy which is at this moment in the course of execution? Sir, I am about to exercise a privilege which is most agreeable to me; I am about to give my opinion without any of that circumspection and reserve which necessarily fetter the Members of an Administration and the leaders of a party. I am about to state the opinion which, after an attentive perusal of these papers, and after listening to this debate, I individually hold. I speak no other man's opinion; I know not what may be the opinion or the vote of any other man; I undertake only to give my own honest and conscientious judgment on this matter, without reference to any extrinsic circumstance or consideration.

I first ask, what was the motive of Her Majesty's Government in interfering in the domestic concerns of Portugal? I separate the motives and objects of the Government from their acts and proceedings. I have read these papers; and if I believed, with the hon. Gentleman who makes this Motion, that there had been a wanton departure from the principle of non-interference—if I believed that the object of the Government had been to range itself on the side of despotic power—and to crush the struggling liberties of Portugal—I would have most cordially concurred in a vote of censure. But, after reading these papers—and speaking now of the motives of the Government as distinguished from its acts—I acquit it of any other intention than to support an ancient monarchy, and at the same time to combine with the support of that ancient monarchy, guarantees for the constitutional liberties of the people. With respect to many painful transactions, the Government had given advice to the Government of Portugal before it committed itself to any active interference: was it wise to give that advice or not? It would certainly be a plain and simple course to decline in every conceivable case to give advice even to a friendly Government. We might in this case have said, "We have enough to do to manage our own affairs, without concerning ourselves with those of Portugal." It was possible to take that course, and it would have relieved the Government from a great responsibility. But that has not been the course taken in former times with respect either to the Governments of Portugal or of Spain. I speak without prejudice on this subject, for I was no party to the Quadruple Treaty; I objected to the obligations you incurred by that treaty; I thought it unwise to enter into them, better at that time to permit the people of Spain and Portugal to decide for themselves between the rival branches of the respective houses of Bourbon and Braganza; I am, therefore, free from any prejudice on this subject. But I cannot enter into the consideration of what has been recently done without remembering that the Quadruple Treaty has been entered into. You have contracted these special obligations to which the Four Powers are parties; you have guaranteed the thrones of Spain and Portugal to their present possessors against the other two branches; and if Don Miguel were to reappear in Portugal, or a descendant of Don Carlos in Spain, then you would be bound by the obligations of that treaty to interfere, not certainly for the purpose of establishing a particular party in the domestic government of either country, but to take part in a civil war for the maintenance of one branch of the family on the throne against another. In deciding, therefore, on the recent policy of the Government, either in giving advice to Portugal, or interfering actively with its affairs, we must bear in mind not only our ancient relations with that country, the importance of Portugal from its geographical position, and the long connexion which has subsisted between us, but also the special obligations by which we are bound in certain cases to a joint action with other countries in respect to the succession to the throne of Portugal. I have said that it has not been usual to abstain from friendly intervention, either with respect to Spain or Portugal. When Mr. Canning was Secretary for Foreign Affairs, the Duke of Wellington being a Member of the Cabinet, Lord Fitzroy Somerset was expressly despatched in 1823 to give advice to the Spanish Government; and despatched too to advise it to modify the too liberal constitution, to give increased power to the Sovereign, and to alter the terms of the constitution, that were supposed to be too favourable to the democratic power. Lord Fitzroy Somerset was the bearer of a letter addressed by the Duke of Wellington to the leading men of Spain; the object of that letter came under discussion in 1823; and when Parliament, at the instance of Mr. Canning, rejected the Motion made by Sir James Macdonald, and affirmed the policy of Mr. Canning, the fact was before the House of Commons that we had attempted, no doubt from the most friendly feelings, to avert from Spain the danger of threatened invasion from France by advising the modification of her constitution. Therefore, I say that the practice of advising the Governments, both of Spain and Portugal, has not met, in former times, with the censure of this House. Then, Sir, if I look at the nature of the advice given to Portugal in the despatches of the noble Lord the Secretary of State for Foreign Affairs, I see not a word in that advice of which a British Minister has reason to be ashamed. I am speaking, now, of the advice given before we had committed ourselves to forcible intervention. What was that advice? When it was intended to commit that act which we cannot hear without shame at this period of civilization —when it was intended to transport men who had engaged in a civil contest, but who had capitulated on the assurance that they should be treated as prisoners of war —gallant soldiers, though they may have been mistaken in the construction of their duty—when it was attempted, in violation of good faith, to transport these men to an unhealthy climate, I find the British Government remonstrating against that act, and earnestly advising that, both with reference to the interests of humanity, and to an enlarged and comprehensive view of the interests of the Portuguese monarchy, such an atrocity should not be perpetrated. Sir, I think that the Government was justified in making that remonstrance and giving that advice. Then, again, I find the British Government remonstrating against the shameful decree that all prisoners taken in arms should be instantly shot; wisely and properly leaving the Portuguese Government to draw the inference that it was impossible for us to countenance or support them, or show them any sympathy, if acts of that kind were committed; endangering the throne in the estimation of its own subjects, and bringing upon the Government the indignation of every civilized country. In every instance in which advice was given, I find it to be in favour of forbearance—in favour of lenity and moderation; and, inferring the motives from the advice, I cannot think it consistent with justice to visit the Government with the condemnation which this Motion implies.

Then, Sir, I come to the acts of the Government, and I am perfectly willing to admit that it is not sufficient that the motives and intentions should have been good if the acts were in themselves unwise. You may acquit the Government of intentional misconduct; but if their acts be at variance with justice or sound policy, you are perfectly at liberty, if not to censure the Government, at least to compel the revocation of the acts. In reviewing the acts of the Government, the 5th of April is a day of the utmost importance. Up to the 5th of April we had limited ourselves to friendly advice, to warnings, and to remonstrances; and up to the 5th of April I think there can be few persons disposed to censure Government on account of any step they had taken, or any advice they had given. In viewing the subsequent acts of the Government, I certainly should attach considerable weight to the motives and intentions by which they were dictated —not that good motives and intentions would justify acts which are impolitic; but in considering the acts, I should have material regard to the motives and intentions which influenced them. The question is, whether on the 5th of April, when it is clear that the Government departed from its former course, and undertook not merely to give advice but to make proposals which in certain contingencies involved the necessity of armed intervention, there is a sufficient vindication for this change of policy? Now, first of all, it is to be observed, that we who are in the position of judges after the event, have a great advantage over those who had to form a decision, providing against very complicated and uncertain contingencies. That which was then obscure is now as light as day. Upon all those combinations which had then to be considered, and of which the issue appeared very doubtful, the light of history has been shed. Being in possession of all the facts, having a knowledge of all the events which have taken place, it is now easy to see the mistakes that have been committed. Sir, I place myself in the position of a Government which, on receiving the representations of the Portuguese Government in the month of March, had to decide in the month of April what course they would pursue; and, to do justice to their case, it is absolutely necessary to attempt to forget all we now know, and consider what we would have done with the information before us which they had in the early part of April. Sir, I cannot conceive a decision more difficult to be arrived at. On the one hand, there was a Government which had done acts that merited disapprobation; there was every argument against forcible intervention in the domestic concerns of Portugal; there was the danger also that, by intervention, we might set the precedent for other and future interventions, from which very serious embarrassments might arise; and no doubt these were considerations that ought to be maturely weighed. There is no man in this House who feels more strongly than I do the grave objections that apply to a wanton and unnecessary intervention in the affairs of other countries. The danger is, that by that intervention you are not propping up the institutions in favour of which you interfere—you may be sowing the seeds of weakness, instead of strengthening the cause you espouse. But, on the other hand, it became a Government responsible for the administration of public affairs to consider also what course it was fitting to pursue with reference to the general interests of humanity, and the restoration of domestic peace in a country in the internal peace of which we were entitled to take a deep interest. Was there a prospect of an early termination of these intestine quarrels? Were not parties so equally balanced, that this conflict having continued from the 7th of October last, there was every probability that, if we and other Powers also stood aloof—if we said to the Portuguese, "You must fight it out," we should have been witnesses of a terrible struggle, impeding industry, engendering permanent discord between inhabitants of the same nation, members of the same family, without a prospect of any termination, through the superiority of one party or the other.

I wish to take nothing whatever for granted. I wish to state to the House what is the evidence which, had I been a Member of the Government, having to act in the latter days of March, I am not prepared to say that I would have taken another course than that which, under great difficulties, Her Majesty's Government finally determined to take. It is easy to substantiate a charge of inconsistency against a Government which is compelled to change its policy. After the free and unrestricted communication of every letter written at an early period, it is easy, from the pens of those who wrote despatches, and the mouths of those who uttered opinions, to convict a Government of such inconsistency apparently on their own evidence. Up to the 5th of April they deprecated intervention. They thought it unwise; they wished to prevent France and Spain from intervention; of course, they used every argument against it; but when necessity forced intervention, then, no doubt, the arguments used against intervention may be cited against those who employed them. But, admitting the original policy of abstaining from intervention ourselves, and of discouraging intervention on the part of France and Spain, the simple question is, whether, towards the latter end of March, a change of policy was not rendered necessary by a change of circumstances? I look to the question, first, as far as the general interests of humanity are concerned. You might, perhaps, even with respect to Portugal, with which you have had treaties for 400 years, you might abstain from all interference by rigidly adhering to the principle of non-intervention. You might say, "We have misery enough on our own hands; we have severe distress in Ireland and the west of Scotland; we will not incumber ourselves with the responsibility of interfering in Portugal." A Government might take that course; but I venture to say, if you had taken that course, other countries would have interfered, and in their interference they would have carried with them the sympathies of half Europe. Portugal, let it be recollected, has special claims on us. She stood on our side in the greatest conflict that ever threatened the repose and liberties of Europe; she gave us the advantage of a military position at Torres Vedras, from whence our illustrious Commander started on his career to achieve ultimately the liberties of Europe. It is impossible you can view with indifference or disregard the condition of Portugal. What was the condition of Portugal—its internal position, towards the latter end of March? I take the accounts which reached the Government at the moment when the necessity for decision had arrived. Here is a despatch from Sir Hamilton Seymour, dated the 14th of March—received by the Government on the 22nd. I will first justify the conclusion to which I come from a reference to the condition of that country, and its imperative claims for interference on our part with reference to the general interests of humanity, apart from the obligations of treaty. Sir Hamilton Seymour, writing on the 14th of March, in a despatch received on the 22nd, says—

> "Every day serves to aggravate the miseries of the country. To present want and distress, future famine will be added, if those who ought to be employed in cultivating, are to be engaged in laying waste the land."

But this state of things had continued from October to March. There was no sufficient superiority in either party to terminate the civil war. We were suffering from famine at home; and here was a country, our immediate neighbour (for the sea now constitutes not separation but neighbourhood), adding to our difficulties. Could we see, without deep regret, that country laid waste by intestine feuds, and the pressure thus increased on the resources of other countries? Again, on the 19th of March, Sir H. Seymour writes, in a despatch received on the 28th—

> "The financial condition of the country is daily becoming worse; before this reaches your Lordship, the discount of notes will probably be 50 per cent. Extensive importations of corn have been lately made, the most considerable from Liverpool."

Just consider what was the demand from other quarters on the Liverpool market; what was the price of corn there; the necessity we had ourselves for preserving as much of Liverpool corn as we could for the maintenance of our own people. What must have been the condition of that people, when it is said—

> "Of the scarcity and dearness of bread, you will form some idea by the fact, that the last cargoes from Liverpool were sold at a profit to the importer of 30 per cent."

That corn was sold at a profit of 30 per cent. The people who ought to have been cultivating the soil, were engaged in cutting each others' throats, without the prospect of bringing their quarrels to a conclusion. What was to be the condition of that country, with reference to the sustenance of the people, if that state of things were to go on; and we, adhering to the rigid principle of non-intervention, had refused to interfere by any act by which such calamities might be put an end to? The English Consul, Mr. Johnson, in a letter received by the Government on the 15th of March, states—

> "In Vianna, the authorities have seized corn; they broke open the stores of Mr. Russell, an Englishman. The state of affairs on the Douro, is very vexatious to our merchants; the merchants can neither bring down their wines, nor send pipes or staves to Regoa."

Here, there was a proof that the continuance of these civil commotions materially interfered with the security of British property, and, by interrupting commerce, directly affected the interests of British subjects. In a despatch of a subsequent date, Sir H. Seymour describes the disposition of the people in the very neighbourhood of Lisbon, and the plans of the party which he calls "the anarchists:"—

> "The plan of the anarchists was, to set fire to some old houses in various parts of the town, to force the prison doors, and let loose some 1,200 or 1,400 prisoners. When a populous town is to be fired at various points, and when the confusion which ensues, is to be increased by the presence of all the vilest malefactors in the hands of justice, it is idle to inquire what precise political objects are sought for, or at what exact points conflagration and excesses are to cease."

You had the British fleet in the Tagus; you heard from your Minister that the plan of the anarchists was to set fire to Lisbon in different parts of the town; to discharge, for the purposes of anarchy and confusion, the vilest malefactors to the number of 1,400. I ask you, if, having that fleet in the Tagus, we could remain perfectly passive, and permit Lisbon to be destroyed by convicts turned out of the gaols? I say nothing of the intention of France and Spain to interfere. I think that the conduct of France and Spain manifested a confidence in this country. I think that the Government cannot found its vindication on the allegation that France or Spain were inclined to interfere separately. But the force of circumstances would have compelled them to interfere. If the Queen of Portugal had said, "I will give guarantees for future good government; I will proclaim an amnesty; I will recall obnoxious edicts; I promise to govern constitutionally;"—if the British Admiral, having received these guarantees, had yet stood aloof and permitted Lisbon to be fired, and malefactors to be turned out from the gaols for the destruction of life and property in the streets, Spain and France would have interfered. They would have rescued the Queen; they would have rescued life and property from a savage assault. The assent and sympathy of Europe would have been with them; on account of their intervention for such objects, and you would have been the parties condemned for permitting in your presence such outrages in that country which, to a certain extent, you have virtually taken under your protection. You would have relied in vain for your vindication on the rigid principle of non-intervention: the blood of the British House of Commons would have risen against you in favour of interference to protect a Queen and her capital from anarchy and murder.

But what security was there that the cause of liberty would have triumphed—what security that the insurgents would triumph? None whatsoever. The probability was, that the Queen's cause would have triumphed rather than the insurgents. Observe what has taken place. Although Spain had not directly interfered, she had a force on the frontier. She was lending the moral authority of Spain to the Queen and her Government. She had not only marched her forces to the frontier—she had facilitated the passage of the Queen's troops through part of her dominions. Her forces on the frontier were ready to act. Had events taken a sudden turn—had the fortunate moment for the entrance of Don Miguel within Portugal arisen—Spain would have interfered, for she had in that case a right to interfere, and was prepared for interference. But she was already lending the countenance of the Spanish Government to the Queen of Portugal, by having her army on the frontier. A proposition was made for the enlistment of a Spanish army, to be officered by Portuguese, and employed in the cause of the Queen. You deny that Spain would interfere; but Colonel Wylde writes on the

21st of March a despatch, received on the 28th of that month, in which he says, "Saldanha's demand to be allowed to raise a legion in Spain, has been acceded to by the Government here." That was direct Spanish intervention. If the authority of the Portuguese Government had been upheld, the upholding of that Government would have been due to Spain. Spanish interference was given; and how was this to be resisted? Colonel Wylde went on to say—

> "I have no doubt, if this measure is carried into effect, that none but ready-made soldiers will be enlisted, and that every facility will be afforded him by the Spanish Government for obtaining them by allowing men to volunteer from the regular army."

That was the information of which, on the 22nd of March, the Government was in possession. I take for granted that the official accounts are correct. I have no information except that which I derive from the official papers. [Mr. HUME: Saldanha only demanded to be allowed to raise a legion.] Colonel Wylde says, "Saldanha's demand to be allowed to raise a legion in Spain, has been acceded tò by the Government here." Why, Government has to act on probabilities, has to come to a sudden decision on information transmitted by its own agents; and, if you found that there had been a legion of Spaniards engaged in Portugal, it would be too late to remonstrate, and most difficult to carry any remonstrance into effect. Unless you chose to send a military force to Portugal, and identify yourselves with the insurgent force against that of the monarchy, you would have no means of effectual resistance against the invasion of Portugal by Spain in aid of the Queen's cause. Now, what are the indications that the insurgent cause was likely to triumph? Sir H. Seymour, in a despatch, dated the 18th of March, received the 28th of March, says—

> "Events of such a nature are taking place here, as to make it evident that a crisis of some sort must be at hand. Marshal Saldanha writes to the Queen announcing his intention of resigning his seat in the Council, in the event either of the Queen's refusal to sanction an application for the assistance of Spain, or of any attempt being made to come to terms with the insurgents."

Consider what was the position of the Portuguese Government at that time. The Queen, it is admitted, was menaced with great dangers. The Commander in Chief being also the Prime Minister, had threatened to send in his resignation if the Queen did not make early application to Spain for assistance. How great, then, was her motive to seek from Spain direct military assistance, when such was the counsel of Her Ministers, and when this was the threat they had made? On the 19th of March, in a letter received on the 28th of March, Sir H. Seymour says, "I cannot doubt that an application to Spain for assistance will be made." Supposing the Queen had been victorious, where was the guarantee in that case for constitutional liberty? You will find strong evidence in these letters, that although the Junta at Oporto was very firm, that yet there were intestine divisions in the Junta—that the people were undecided—and that in the province of Beira there was no wish to encourage the insurgents. With the Portuguese forces under the command of Saldanha, backed by the countenance of Spain, the probability was, on the 28th of March, that the Queen would have been victorious. And, when the Government was exulting in unexpected victory, what security would you have had for moderation or forbearance or constitutional order? Observe who are the parties that would have constituted the Government. The Government would have been composed of those who had advised the transportation of the prisoners taken at Torres Vedras — of those who had counselled the issuing of decrees by which men taken in arms should be instantly shot. If these things had been done in the green tree, what would have been done in the dry? If you had refused all intervention—if you had said to the Queen of Portugal, "We stand aloof; we leave you to settle the question;" supposing she had triumphed, what right would you then have had to interpose to prevent her reaping the fruits of the victory? My conviction is, that, if you had held aloof, and the Queen had triumphed, the same motives which led to those decrees with respect to the shooting of persons taken in arms, and the transportation of prisoners of war, would have again operated, and would have left you no security whatever either for the restoration of constitutional liberty, or even for the practice of decent forbearance or generosity towards the vanquished. There were, too, many motives that influenced the decision of the Government. They saw, no doubt, all the objections to intervention. They knew all the danger of having to make use of a

Spanish force; but, on the other hand, they knew also the danger of decisive victory of one cause or the other, and all the consequences which, as we know from experience, generally follow such triumphs; and I cannot, in justice, join in the condemnation of a Government which, balancing these conflicting considerations, came to the conclusion, that it was, on the whole, better to make proposals which, as I admit, if rejected, led to the necessity of a further intervention. There was every probability that the proposals made would have been accepted, and that no necessity for forcible intervention would have arisen. The Government took that chance; and it was impossible for any Government to proceed otherwise than on probabilities. Having prevailed on the Queen's Government to offer those conditions, you had no alternative, if they were rejected, but to assist her in enforcing obedience from her revolted subjects. There was again another danger to be guarded against; there was the danger of France and Spain interfering if you remained neutral. I have already said that I think the conduct both of France and Spain in these negociations, proves a disposition on their part to place full confidence in Her Majesty's Government. They have throughout evinced no inclination to obtain any advantage to themselves by an interference separate from this country; and I am glad that the noble Lord withdrew the imputation cast upon M. Guizot and the French Government of an intention to offer to the Queen of Portugal an independent intervention. I saw that withdrawal with the greatest satisfaction; for I believe that, after those unfortunate differences which have prevailed between this country and France, in respect to which I think France is in the wrong, there has been every wish on the part of France to take an early opportunity of evincing a desire to act in unison with us in restoring peace to Portugal. I do not think that M. Guizot ever wished, or that he ever contemplated, a separate intervention; nor can I believe that the Minister of Louis Philippe, considering what is the foundation of that monarch's throne, would have advised a wanton or unnecessary interference in the internal affairs of another nation. Remember, however, that the Minister of France, though disposed to show confidence in this Government, did, nevertheless declare his opinion to be that the Portuguese Government was entitled to receive aid from the Spanish Government. M. Guizot entertained an opinion—and I think a sincere one—that under the Quadruple Treaty the Three Governments were entitled to interfere. M. Guizot contended that even if a *casus fœderis* had not actually arisen, the principle which had dictated the signatures to that treaty still remained in force; and he dwells on this fact—that General Povoas, the Miguelite general, had been admitted to great influence at Oporto; and he considered that circumstance most material in justifying the Portuguese Government in asking aid from Spain. Therefore I give entire credit to the Government of France for its professions of confidence in us. I believe, too, that the object of M. Pacheco was to act cordially with us; and I acquit M. Guizot and the French Government of any intention to obtain particular advantages for themselves. But, in the state of things which might have ensued, if such acts as those to which I have referred had been perpetrated—if Lisbon had been fired—if the malefactors had been turned loose—then France and Spain would have been fully justified in interfering, even had you refused; and I again say, that if these events had occurred, France and Spain would have found support and approval in the public opinion of Europe. It may be to us and to our interests a matter of comparative indifference what takes place in Portugal; but consider Spain. The dynasty of Spain holds its authority by nearly the same tenure as the dynasty of Portugal. Spain could not overlook the considerations which dictated the Quadruple Treaty. Placing ourselves in the position of Spain—seeing the identity of interests which prevails between the dynasty in the possession of the throne of Spain, and the dynasty in possession of the throne of Portugal—we must acknowledge that, apart from the Quadruple Treaty, a common interest and the necessity of preventing anarchy in Portugal, constitute a case which would justify Spanish interference, if such a calamity as that which I have mentioned had occurred.

Now, turn to the other alternative—supposing, instead of the Queen's forces, the insurgent troops had been successful—I see no evidence whatever that a greater degree of moderation would have been exercised by them. I see nothing in the formation of the Junta forces, nothing in the course they took after our propositions were made to them, to assure me that justice or generosity would have prevailed had they been victorious. Considering that their proposal was that there should be no commander-in-chief—that there should be detached corps acting under generals with separate authority—that the Government should be handed over to them, and that their troops should garrison Lisbon and Oporto—there was little prospect that in the event of their triumph, there would have been moderation or justice in their counsels. And, therefore, choose either alternative—the triumph of the Queen's cause, or the triumph of the insurgents: it is possible you might have gained an advantage in the termination of an harassing civil conflict; but you would have found in neither case any guarantee for the restoration of constitutional liberty—for mutual accommodation—for that oblivion of past crimes, that mutual generosity, on which alone the hopes of future peace can be founded. Seeing, then, the probability that this strife would have long continued if not suppressed by your means — remembering that it was for the interests of humanity that you should interfere —looking to the great likelihood that, if you had not interposed, France and Spain would, however unwillingly, have been compelled to interfere—to the probability that in either issue, whether the result were a triumph to the Queen or to the insurgents, moderation and justice would not have been maintained — adverting to these considerations, all of which had to be weighed by the Government, again I say I will not consent to visit with condemnation those who, under such difficulties, deemed it expedient that Great Britain should at last interfere. And it is upon these grounds that I shall give my vote against the Motion of the hon. Gentleman. I think it inconsistent with justice to visit the Government with censure; I think they have done nothing which disentitles them to the confidence of this House, so far as their conduct in relation to the intervention is concerned. Now, as to the question of public policy—which is a far more important subject for our deliberation—is it wise, I ask, while these transactions are pending —while plans resolved on are being carried into execution, to control, by a decision of the House of Commons, the Executive Government, and to require that this policy must be abandoned? Perhaps you do not require that it should be abandoned—suppose it must be continued: by whom? The hand that has to execute it will be paralysed if struck by a resolution of the House of Commons. What will you do after having adopted this resolution? What will be the effect on the public policy of the country of affirming your resolution? Will you release Das Antas and the insurgent forces, or will you continue them prisoners of war? You surely will not say, "We are content with having censured the Government, and we will leave them to encounter the difficulty as best they may?" [Mr. Hume: There is no difficulty.] Will you, then, replace Das Antas and his 2,500 men in the British steamers, take them back to Oporto, and say to them "Gentlemen, we have been in the wrong; it is right we should make you compensation, and return you exactly to the position which you originally occupied; any damage we have done to you or your cause we are willing, as far as possible, to repair; we, therefore, bring you back to Oporto, and give you permission to fight it out?" Is that the course you would now take? If you have done wrong, and if you do not wish to inflict injustice, you have no other means of repairing the mischief; though it will hardly be enough merely to release Das Antas. I know not, indeed, what course the Executive is to take if visited by our censure. To-morrow night it may be necessary to give instructions or answer some despatch. How can this be done without a distinct explanation on the part of the House of Commons of the motive by which it is guided in affirming this resolution? Is the Minister of the Crown to say to Portugal, "I have entered into this engagement; it is disapproved of by the House of Commons; I must creep out of it as well as I can; I must avoid the fulfilment of the conditions I accepted?" But what language will you hold to the other parties to the Convention — to France and Spain? You declared to them that the necessity for interference had occurred. You knew that no separate interference was desired; and, though you denied the obligations of the Quadruple Treaty, and though you did not think the *casus fœderis* had arisen, yet, in deference to the principle of that treaty, the Queen of England invited France and Spain to be parties to the intervention. You will inform them that the Queen of England can no longer fulfil her engagements; but surely you do not intend to prohibit those Powers from pursuing the policy on which they entered in concert with you, and by your advice? After having crept out of your obligations, you do not expect that France and Spain, who entered into the agreement at your suggestion, will also withdraw? You surely do not expect that the French Government will say to the Chambers, "We interfered at the solicitation of the Queen of England; we were willing to give our aid; but the Queen says she cannot fulfil her part in the Convention, and she tells us also, that she cannot permit us to fulfil ours?" Is it probable that the French Government will be guided by your resolution? No: the consequence will be, that Spain and France will alone carry out the intervention. How is the Queen of England to remonstrate? The very danger, therefore, that you have apprehended, viz., the exclusion of your own influence, and the establishment of the authority of France and Spain in Portugal, will inevitably take place under your eyes; and I defy you, in accordance with the principle of any international law, to make any remonstrance against it. I say, then, it is infinitely better we should continue to act in concurrence with the other Governments, bringing to bear the moral influence of the Three great Powers which established the throne of Donna Maria and of the Queen of Spain; that we should not attempt to control the Executive Government, acting amidst considerable difficulties, by any resolution of ours which would compel a course undignified and impracticable; that we should leave the Government to decide unencumbered and unembarrassed by our advice or our remonstrances. An Amendment has been moved; but I am ready to vote against the Motion without any Amendment, on the abstract merits of the question. If I were a Member of the Government, I would not consent to an Amendment, which, after all, will be passing by this censure. To the principle of the Motion of the hon. Gentleman the Member for Finsbury, I have no objection: the question of affirming it by the House of Commons, is another matter. The Government has said to the Queen of Portugal, "The conditions which we must require from you, are, complete and entire amnesty and exemption from penal consequences for every person engaged in this insurrection; we will consent to no exception; we require you to withdraw every decree since the 6th of October at variance with the established constitution; we also require you to constitute a government which shall inspire general confidence, and from which there shall be excluded every one liable to public suspicion or distrust; and, lastly, we earnestly implore you to remove that person who has occupied a prominent place in the palace, and whose situation in Portugal exposes the Government to suspicion." These were the terms on which the intervention was based; these were our demands, and having received an assurance from the Government of Portugal that these conditions should be fulfilled—having, moreover, invited the insurgent party to lay down their arms upon the assurance that those conditions should be respected—I fully admit, in concurrence with the principle of the resolution, that the honour of England is pledged to enforce the strict observance of them. It would be a breach of faith towards the insurgent party if the honour of England were not committed to the maintenance of the conditions which we ourselves proffered. That portion of the despatches which gives me the best assurance of a happy termination to these unfortunate affairs, is the testimony which is borne to the personal dispositions of the Queen and the King of Portugal. I attribute the misfortunes that have occurred to the pernicious advice they have received. It is usual, on all occasions, in constitutional and loyal States, to presume justice and humanity on the part of crowned heads; but I find in these papers conclusive proof that you may fairly attribute the acts that have been done, not to the personal dispositions of the Queen of Portugal or her Consort, but to the bad counsel they received from the Government of Cabral, and those who were leagued with it. I find that Sir H. Seymour, in a despatch of March 21, affords an unsuspicious testimony to the good faith of the Queen, and the character of the King. He says—

> "The King has given a fresh proof of the wise and conciliatory disposition by which he has been distinguished in the Council, by addressing yesterday a letter to Marshal Saldanha, calling upon him to make peaceful overtures to the Junta of Oporto."

That was the act of the King in the Council. His suggestion was, not an appeal to arms, but that conciliatory overtures should be made to the insurgents. Those overtures were not made; but by whose fault? That of the men who threatened to resign should the course advised by the King be taken. With this evidence before us, we are bound to make every allowance for the conduct of their Majesties, who had been placed in so critical a position. Mr. Southern says, in one of his despatches, that he had addressed a note, protesting against the transportation of the prisoners taken at Torres Vedras, and that the subject had been repeatedly under deliberation in the Cabinet; and his comment is—

> "I am happy to think that the benevolent feelings of their Majesties induce them to support my views; but the opinion of the Cabinet, to which some extraneous persons were admitted, finally prevailed, on being backed by a threat of immediate resignation on the part of the Ministry."

Thus, it was clear that the Queen and King had interfered on behalf of the prisoners; but those who directed their counsels having threatened resignation, they were unable to effect their own benevolent wishes. Again, Sir H. Seymour says, on the 8th of May, speaking of the action of the 1st of May, when the insurgents sustained a loss of 500 killed and wounded—

> "Many of the wounded insurgents, in company with the wounded of the Queen's forces, have been removed to the hospital at Lisbon. On the 3rd inst., the hospital was visited by the Queen and King, who spoke to many of the wounded, and gave special orders that every attention should be paid to all alike."

Such evidence of justice and moderation on the part of these Royal Personages inspires me with the hope that if they are surrounded by more honest advisers, there is a prospect of returning peace and tranquillity to Portugal.

Nothing I have said will, I trust, expose me to the suspicion that I approve of the measures which have been adopted by the Government of Portugal, since the 6th of October, 1846. I consider the change in the Ministry that took place on that day—the removal of the Duc de Palmella—the abrupt and disrespectful manner in which he was dismissed from office—were most unwise, and calculated to shake confidence in the intentions of the Court. To see that distinguished man—the only statesman of his country who has achieved an European reputation — who represented Portugal in those conferences which, at the close of the war, adjusted the affairs of Europe — whose name is attached to those instruments which laid the foundation of a peace that has endured more than thirty years—to see that man in his declining years an exile from his native land, creates feelings of indignation and shame. An exile! and for what? Because he wished to govern Portugal on constitutional principles; because he wished to conform to maxims of moderation and wisdom—held, it seems, in no honour in his own country, but which he had learnt in a long course of public service, and from intercourse with the public men of the highest eminence of every country in Europe.

We have evidence of the principles on which he wished to govern—of his regard for the constitutional rights of the people in the law of election which he proposed, and in his resolution to summon the Cortes. We have the assurance of Lord Howard that there were throughout the country indications of returning respect for and confidence in the Executive Government. The Duc de Palmella was abruptly asked whether, if the Cortes were summoned, he could protect the Crown against the evil designs imputed to a political party in opposition to the Court; and because he could give no other assurance than that he would make every effort against the unjust attacks and encroachments of party which the law and constitution might enable him to make, he is dismissed from office; councillors of another stamp and with other views receive the confidence of the Crown, and the guarantees for constitutional liberty are forthwith suspended.

The Court of Portugal committed the fatal mistake of anticipating a menaced, perhaps a fancied danger, by a signal violation of the law. It was that same mistake which, committed in France, hurled Charles the Tenth from his throne, and transferred that throne to another dynasty. Assuming that the menaced dangers are real—that there is a design against the rights of the Throne, or against the reigning dynasty—far wiser would it be to encounter such dangers by defensive measures strictly within the limits of the law and constitution, than by the arbitrary assumption of a power transgressing those limits. The advisers of these *coups d'état* are no friends of constitutional monarchy; they pride themselves on their vigour and firmness; they act under the delusion that it was from the mere absence of such qualities that the first Revolution of France (that of 1789) was triumphant, and the throne of Louis XVI. was undermined, and that all that was then wanting to arrest the Revolution and save the monarchy were vigorous and well-directed *coups d'état.* By such means, they hope to avert what they consider similar dangers. But in the means to which they thus resort consists the real danger. The Crown is placed in the wrong. The Crown has thrown away the advantage of a defensive attitude within the limits of the law—has forfeited the confidence of those of its subjects who respect constitutional rights, and all those powerful sympathies in its favour which the unjust aggressions of its enemies, combated with weapons which the law and constitution have provided, and by those alone, would infallibly excite.

I have now fulfilled the object for which I rose. I have stated the conclusions to which I have arrived after a careful perusal of these papers. I cannot assent to a vote of censure on Her Majesty's Government. I cannot assent to interference by this House with the course of policy to which the Crown is committed, and which is in actual progress of execution. I have at the same time freely condemned those proceedings on the part of the Portuguese Government, which are, in my opinion, open to censure. And I must say, in conclusion, if such evil counsellors as those who, for some years past, have surrounded the Throne in Portugal, are still to be listened to—if that faction which calls itself the Cabralista party, and of which I can say nothing worse than that I presume it to be worthy of the name it has assumed —if that faction is still to prevail—then there is no security for peace in Portugal —no security for liberty—no security for the Throne. If that faction, or the principles on which it has acted, shall again predominate, it will not again be in the power of England to tender those friendly counsels, or to lend that powerful aid, which are now tendered and now lent, for the single purpose of preserving an ancient monarchy, and combining with that monarchy ample guarantees for constitutional freedom.

Dr. BOWRING said, it appeared to him the right hon. Baronet had pointed out the complication of the present case, and the difficulties in which the Government was placed, with considerable tact and ability. In entering upon the history of the disastrous state of things which at present existed in Portugal, he did not wish to go beyond the documents which had been laid on the Table of the House. The right hon. Baronet who had just sat down, had not taken the grounds of defence taken on behalf of the conduct of the Government by the right hon. and learned Gentleman the Member for Edinburgh (Mr. Macaulay). It had been shown that the case of Portugal, on which there rested many doubts and difficulties, was an exception to the general rule of international law, and that the people of Portugal looked up to the interference of this country for the protection of their liberties. But he could tell the House the present interference had not been productive of feelings of gratitude amongst the people of Portugal, but directly the reverse. They were informed that the Government of this country was pledged to secure the liberties of Portugal, and that we need feel no anxiety with respect to them; but he said he feared in such a case the Government of this country had pledged itself to consequences, and bound itself to responsibilities of the most alarming character.—The hon. and learned Member was proceeding to describe the characters of the two Cabrals, when

An Hon. MEMBER moved that the House be counted; and only thirty-one Members being present, the House stood adjourned at a little before Eight o'clock.

HOUSE OF COMMONS,

Wednesday, June 16, 1847.

Minutes.] Public Bills.—1° Mines and Collieries; Lunatics; Print Works: Navigation (No. 2).

2° Corn, &c. Importation; Vexatious Actions.

Reported.—Seduction and Prostitution Suppression; Drainage of Lands (Scotland).

3° and passed:—Port Natal Collection of Duties.

Petitions Presented. By Mr. Roebuck, from Chippenham, and by Mr. Wakley, from Finsbury, for Inquiry respecting the Rajah of Sattara.—By Mr. Bankes, from the Rev. Harry Farr Yeatman, LL.B. Acting Magistrate for the Counties of Dorset and Somerset, for the Prevention of Frauds in the Sale of Bread.—By Mr. P. Howard and other hon. Members, from Catholics of several places, for Alteration of the proposed Plan of Education.—By Mr. Wakley, from John Hall, Sergeant in the Cambridge Militia, for Inquiry.—By Mr. Allix and other hon. Members, from several places, in favour of the Health of Towns Bill.—By several hon. Members, from a great number of places, in favour of the Medical Registration and Medical Law Amendment Bill.—By Mr. Wakley, from Ratepayers and Vestrymen of the Parish of St. Mary, Islington (Middlesex), for Alteration of the Poor Law.—By Mr. Henley, from Witney, for Repeal or Alteration of the Poor Removal Act.—By Sir E. Filmer, from Farmers and Graziers of the Counties of Kent and Suffolk, against the Removal of Smithfield Market.

AGRICULTURAL STATISTICS BILL.

Colonel SIBTHORP wished to learn from the Vice-President of the Board of Trade, whether it were his intention to proceed with the Bill which he had been pleased to call the Agricultural Statistics Bill?

MR. M. GIBSON felt that there would be no opportunity of pressing this Bill to a successful result, as he wished. As matters therefore stood, for the present Session, he was of opinion that it would be as well at once to discharge the order for the further stages of this Bill.

MR. W. BROWN was extremely sorry to hear the conclusion at which the right hon. Gentleman had arrived. There could not be a more beneficial measure, and more especially to the agricultural interest. He understood that one of the chief objections to the Bill arose from the local expense which would attend its being carried into effect; if this were the case, he hoped the Chancellor of the Exchequer would find no difficulty in paying the necessary expenses out of the Consolidated Fund.

MR. STAFFORD O'BRIEN was also sorry to hear that the Bill was to be abandoned, as he regarded it as an important measure. Its value had been much underrated, and the experience of the last two or three months was fully sufficient to show this. To the smaller farmers it would prove a most beneficial measure. The right hon. Gentleman who had brought it forward had rendered a benefit to agriculture; and he regretted that the right hon. Gentleman had not been supported in it by the agricultural interest as he should have been. He could assure the right hon. Gentleman that all those who were best acquainted with their duties as agriculturists and farmers, felt indebted to him for the exertions which he had already made, and they trusted that he would press it next Session.

Matter postponed.

PORTUGAL—THE COUNT OUT.

MR. BORTHWICK begged to know whether, if the hon. Gentleman the Member for Montrose meant to go on with the debate on his Motion, the hon. Member for Finsbury would persist in his Amendment, and present it to the House in the form of a substantive proposition?

LORD JOHN RUSSELL: I don't know what may be the intention of the hon. Gentleman the Member for Finsbury, but I beg leave to assure the House, that so far as the object of the resolution proposed by my hon. Friend contains an expression of the wish of this House that the constitutional rights of the Portuguese people should be preserved, and that the British Government and authorities should use all their influence to obtain that object—whether such a resolution be proposed or adopted, it is their intention, and the British Government consider it to be their duty, to do so. I am happy to say, that from letters which I have received within the last ten minutes, I have acquired the information that the Portuguese Government are of opinion, that notwithstanding the capture of Das Antas and his squadron, it is their duty, and the proper course for them to adopt, to proclaim as full and complete an amnesty as they were prepared to grant originally, and which was rejected by the Junta. That being the intention of the Portuguese Government, and all the Allied Powers being anxious that the rights and privileges of the Portuguese people should be preserved, it will be unnecessary for my hon. Friend to make his Motion.

MR. T. S. DUNCOMBE: The hon. Gentleman the Member for Evesham, before putting that question to me, ought to have ascertained from his leader the hon. Member for Montrose, what his intention was with respect to the debate upon his Motion. I merely proposed mine as an Amendment to that of the hon. Member for Montrose, and so it remains at the present moment. At the same time I may say, that I consider my Motion virtually carried by the declaration of Her Majesty's Ministers, and from the manner in which it was received by the House. I have only therefore to say, that for my own part I am perfectly satisfied. But I think that the hon. Gentleman opposite should have also asked a question of those hon. Gentlemen behind him who were instrumental in counting out the House last night. What, I wonder, has become of all the virtuous indignation that was expressed by the country party? I think, after the exhibition of yesterday, the sooner they adopt their intention of taking off themselves and their Motion, and "go to the country," the better.

MR. NEWDEGATE: The hon. Member for Finsbury may be satisfied, and of course he must be, as he says he is; but I am sure, with all his love for constitutional liberty, and the warmth with which he came forward to sustain it, it is rather extraordinary that he should have so cooled down; and as he has suppressed all his angry feelings towards Her Majesty's Government, he must be well content with the termination to which the question has been brought. In justification of my own conduct in having counted out the House last night, I must beg leave to say that at the time I did so there was no Cabinet Minister present on the Ministerial benches. [An Hon. MEMBER: Lord PALMERSTON.] Yes, the right hon. Gentleman the Master of the Mint was in his place, and also the right hon. Gentleman the Secretary for the Home Department. But I found myself all at once *solus* on these benches. I found myself in an ambiguous position. The right hon. Gentleman the Member for Tamworth must have been well pleased at the course I pursued after the speech he made, which would have done him honour had he been the Secretary for Foreign Affairs. But after a debate on so great a question, with no prospect of any decided expression of individual opinion upon it, I thought the further continuance was little worthy of the dignity of the subject; and I felt that any course was desirable which should relieve this country from the position of having the name of a Royal Sovereign mixed up with the defence of those who had prostituted the royal authority in a sister country.

MR. HUME: I don't know, Sir, what has passed before I came in; but I quite agree with the hon. Gentleman in thinking that he was placed last night in a very peculiar position. He was left alone on that side of the House; at least there was but one hon. Gentleman more on the same side, and, therefore, he might fairly consider himself in a singular position. There was only one other hon. Member whom I, sitting here, could observe on those benches opposite; but I must say, that it is little to the credit of the House of Commons that the course which such a circumstance required should have taken place. That it should have taken place without a previous arrangement, I cannot believe. I noticed that after the speech of the right hon. Baronet the Member for Tamworth, who brought forward a complete tissue of absurdities — for the right hon. Baronet talked of levies of Spanish troops to interfere in Portugal, and raising Spanish legions to march to the frontiers of Portugal, in which there was not one single word of truth. The right hon. Baronet made up his case in an extraordinary manner for a person so well acquainted as he is with what ought to be the duty of a Member of Parliament. He quoted from papers: I contradicted him; I asked him to point out from the papers before the House where those levies had been made. I said there was not one man levied. He could not show where those legions were. There was no legion, in fact, but in the right hon. Baronet's own brain. But I noticed that immediately after his speech the right hon. Baronet left the House; and the right hon. Baronet the Member for Dorchester spoke to another hon. Member near him, and he moved off immediately after the right hon. Baronet the Member for Tamworth moved off; and a general move at once took place. An hon. Member came to me, and said, "They're going to count out." I said, "That is nothing to me: if they choose to count out, I can't help it." But I believe the House was counted out by an arrangement made between both the parties. ["No!"] I merely say what is my own opinion. I merely say that it is very discreditable to the House of Commons to allow a question of that kind to be disposed of without coming to any conclusion — without delivering some expression of opinion upon it. I may be in error; but I think it a constitutional question of great importance; and I thought there ought to be, and I was very anxious there should be, a division, to show what was the opinion of the House upon the subject. I, of course, have now no remedy except taking any opportunity I might and would have of renewing the question; but I have put the question to myself, "Of what use would it be to follow such a course, when I see that the House is unwilling to interpose or entertain it?" The noble Lord the First Lord of the Treasury came in last night a few minutes after the House was counted out, and he showed a disposition that the question should be renewed. He had no unwillingness to go to a division; on the contrary, he said that it was a termination not at all satisfactory to him. I was anxious that the hon. Member for Finsbusy should have recorded his vote. If there was any one man in the House more anxious than another, or who wished to have the question pressed, it was that hon. Member. But I find that the whole bevy of hon. Gentlemen on my right hand, who were urging me on, have changed their minds, and by yielding to them I found myself in a very unpleasant situation. But it does seem to me very singular that such a change should have taken place in hon. Gentlemen's opinions. There must be some influence at work—in the air, perhaps — which operates in the same way as, after the 5th of April, some magical influence seems to have come over the councils of Her Majesty's Ministers to change their opinions, which seem to have been right up to that time; but from that date forward to have undergone an alteration which nothing contained in these documents accounts for. There are certain influences which are very infectious, as even the right hon. Baronet opposite appears to have felt their effects. I can only express my deep regret at finding that it was Her Majesty's Ministers, as appears by the papers, who first urged this interference in the affairs of Portugal. The Ministers of France and Spain were unwilling to agree to any such proposition; and after all the arguments we have heard from the noble Lord (Lord J. Russell) and the right hon. Baronet (Sir R. Peel), and after all Her Majesty's Ministers have said—that if they did not interfere, others would have done so—it turns out that it was all an arrangement of Lord Palmerston's. Now, it appears to me that the Ministers who signed the protocol here signed without any authority. I see by the public newspapers that British officers are about to be decorated with Portuguese orders. I should be sorry to see such a stain cast upon British arms. I hope it is not so. In conclusion, I beg to say, that it is not my intention, unless some pressing matter should arise, to renew my Motion—unless new events, particularly such as if Colonel Wylde should continue to interfere as a firebrand to do mischief, although holding the character of a mediator, or that the parties now under the protection of the British Government should be given up to the power of their opponents — unless such events should occur, I shall consider that I have already done my duty.

LORD JOHN RUSSELL: I do not wish at all to evade the question which the hon. Member for Montrose brought under the consideration of the House, and which has been disposed of by the extraordinary interposition of the hon. Gentleman opposite. Still less should I attempt to defend the right hon. Gentleman the Member for Tamworth from charges of misrepresentation; but without entering into any defence of that right hon. Gentleman, I must say, I consider that throughout his very admirable and most comprehensive speech he kept close to the facts of the case, and deduced inferences from them, the truth of which, I think in reason, it is difficult not to perceive. But the hon. Gentleman who has just sat down says that the two opposing parties in the House must have come to some understanding to count out the House last night; and the hon. Gentleman opposite says there was no Cabinet Minister present. I should say that there was no party in this House who were such great losers by what happened as Her Majesty's Ministers. I think that after a careful perusal of the papers, attention to the continuance of the debate, and the speeches which were made, the division which must have ensued, giving, as it undoubtedly would have given, a very considerable majority to Her Majesty's Ministers, was an advantage which they have lost by the abrupt termination of the debate. And therefore I say that, whilst the opposers of the Motion were very great losers, I am at a loss to understand the course which the hon. Gentleman has taken. Although I don't think that for such a strange interposition there is any precedent exactly in point to be found upon the books of this House, resembling as it does nothing but the mythological wonders effected by the poets of antiquity, who carried away their hero in a cloud when he had got into a difficulty, and there was no other way of extricating him from it. I believe such a termination of a most important debate, involving as it did a vote of censure upon the Government, is hardly recorded in our books, and is hardly to be found at all except in those ancient books of poetry to which I have alluded. The hon. Member for Montrose says he will not bring forward this Motion again; and I think that he is right, because he is in fact saved from the reply which my noble Friend the Secretary of State for Foreign Affairs would have made, and from the division which would have ensued. As to the changes which the hon. Gentleman observed had taken place in the opinions of other hon. Members, he must not be surprised that the perusal of the papers which were laid before the House, and the progress of the discussion, should have had considerable effect upon the minds of hon. Members. With respect to the absence of Cabinet Ministers from the House last evening, I must observe that the noble Lord the Secretary of State for Foreign Affairs might have left the House for a few moments—["No, he was present"]—but so far as regards the Chancellor of the Exchequer and myself, we went from this House to the House of Lords, to ascertain what was going on there, and it was whilst we were there that the House was counted out. It so happens that from the construction of the new House of Lords, there is not time for Members of this House (who, I must observe, were in considerable numbers in the other House) to get back here in time to prevent counting out, as was the case formerly. But so far as regards the assertion that the count out arose from a combination of parties, there was no such arrangement between them. There was no intention on the part of the Cabinet; and it was not owing to the absence of Ministers, that the debate suddenly came to a termination. I have only one word more to say with relation to the gallant Officer, whom I am sorry I omitted to defend, and to notice the charges against, at a former period of the debate. But as the hon. Gentleman has again brought charges against Colonel Wylde, for which he has no foundation nor justification, and which are quite inconsistent with the character of the gallant Officer, I take the present opportunity of replying to them. It was stated that the gallant Officer was in favour of arbitrary proceedings on the part of the Government. He was charged with being a firebrand, and it was said that he was sent out to Portugal merely because he was attached to the household of Prince Albert. Why, Sir, Colonel Wylde was recommended to the post he now occupies by his great and intelligent services in Spain, where he was for a long time engaged at the head-quarters of General Espartero, and where he gave that general most useful advice—advice which materially aided him in obtaining those advantages over the Carlists which General Espartero was fortunate enough to obtain. No man, Sir, is more anxious than Colonel Wylde to establish the constitutional rights and privileges of the people. He has always furnished most accurate reports of all proceedings. He has ever shown himself most anxious to put an end to the civil war, and his advice has always tended to that point, and to the establishment of peace, of unity, and harmony in Portugal. He has repeatedly said that his private business and the state of his health required his being recalled. He has asked several times to be recalled. And it was always at the desire and request of the Government that he consented to remain. I deny, therefore, all the charges that have been brought against Colonel Wylde. As to his being a firebrand, his character hardly requires vindication. All who know him know that a man more capable of performing his duty in the task assigned to him, of giving his services to arrange between the Portuguese Government and people, could hardly have been chosen.

SIR JAMES GRAHAM: I should not have thought of saying a word upon this subject, had not the hon. Gentleman the Member for Montrose alluded pointedly to me. And as the hon. Gentleman has said that it is not his intention to proceed further with his Motion, I think it was highly inexpedient that he should have renewed the debate upon its merits, and, in the absence of the right hon. Baronet the Member for Tamworth, to have made, as he has, two accusations against him. The first of these charges was, that my right hon. Friend's speech was full of absurdities. I really must leave it to the opinion of the House, and to that of the whole of Europe, to say whether the speech is full of absurdities, or whether the charge of absurdity does not attach rather more to the Motion of the hon. Member for Montrose himself—to those other hon. Gentlemen who have been connected with the bringing forward of the debate—or to the hon. Gentleman who put such an abrupt termination to it. The second charge was, that the speech contained statements not consistent with the truth. Now, if the hon. Gentleman will reconsider his course, and bring his Motion forward again, it will not, I think, be difficult to show that the perspicuity and accuracy of my right hon. Friend could only be excelled by his strict attention to the truth and to the facts contained in the evidence laid before the House. This can be easily shown if the hon. Gentleman thinks fit to renew the discussion. With regard to what more immediately concerns myself, the hon. Gentleman says, that as soon as my right hon. Friend had concluded his speech, I spoke to an hon. Gentleman near me, and immediately after left the House. I did converse with an hon. Friend near me. My right hon. Friend the Member for Tamworth stated that he delivered his opinions without any previous consultation—that he delivered them not as the opinions of a party, or of one connected with any party—that he gave to the House his own individual opinion. The noble Lord opposite has accounted for his absence in a manner becoming the dignity of a Minister of the Crown. He had gone to the House of Lords to hear the debate which was then going on there. Whilst I confess that for my part I candidly stated to my hon. Friend near me, when I saw the huge bundle of papers in the hands of the hon. Gentleman opposite (Dr. Bowring), that with all due respect to the hon. Member for Bolton, I preferred going to dinner to sitting to hear his speech. I did go, accordingly, for a very short time, not expecting the abrupt termination of the discussion. I went home—I was foolish enough to return, and found the House had been counted out. I really was never more astonished in my life than I was at the termination of the debate. I was prepared myself to take part in it. I should have followed the same course as that adopted by the right hon. Member for Tamworth; and I would most unhesitatingly and conscientiously have given my humble support to Her Majesty's Ministers, and my opposition to the Motion of the hon. Member for Montrose.

Mr. STAFFORD O'BRIEN defended those hon. Gentlemen who had been stigmatized with the charge of absurdity by the right hon. Baronet for supporting the Motion of the hon. Member for Montrose. The right hon. Baronet had accounted for his own absence by having been placed in the not very absurd position of going home to dinner. Surely some allowance should be made (all hon. Gentlemen being in want of that needful meal) for those who were similarly employed above stairs, in appeasing their appetites with the delicacies provided for them by Mr. Bellamy. But the House having been so very small, and the question so great, he thought his hon. Friend (Mr. Newdegate) was quite justified in acting as he had done in counting it out.

Mr. NEWDEGATE had to apologize to the right hon. Baronet for having, by the course he had adopted, prevented his making his intended speech. The right hon. Baronet had very properly denied all collusion between parties, but he had certainly shown that his appetite, at all events, if not his will, had been in collusion with those who terminated the discussion.

Mr. HUDSON defended himself from the charge of absurdity. He did not understand whom the right hon. Baronet meant by "those who supported the Motion;" but, for his own part, he had come down at nine o'clock to record his vote, and was very much surprised to find that the House had been counted out. The right hon. Gentleman ought not to cast imputations upon an entire party, but confine his observations to the individual with whose conduct he felt dissatisfied; but if Her Majesty's Ministers wished to have a division upon a question, they ought to keep a House. They should keep it as railway boards insured the attendance of their members—if they did not come, they received no pay. The right hon. Baronet should not attack an entire party upon such an occasion; but the fact was, the right hon. Gentleman never missed an opportunity of having his throw at those who, from having once been his supporters, had found it necessary to separate from him.

Subject at an end.

TENANTS (IRELAND) BILL—ADJOURNED DEBATE.

Order of the Day read for resuming the Adjourned Debate on the Tenants (Ireland) Bill.

Mr. S. CRAWFORD called the attention of the House to the position in which the debate stood. On the former occasion when the Bill had been before the House, he had moved the second reading on the 28th of April, at a late period of the evening, in the hope that he would induce hon. Members interested in the question to take the debate when going into Committee. It had subsequently been moved by the hon. Member for Wycombe (Mr. B. Osborne), that the Bill be read that day six months; an adjournment of the discussion then took place; and as he (Mr. S. Crawford) had not before made any statement of the objects of the Bill, it now became his duty to explain the grounds on which he asked the House to allow the Bill to be now read a second time. The Bill was introduced to effect a change in that system which at present prevailed in the south of Ireland; to give security to occupying tenants; and by bringing about a most desirable alteration in the existing relative condition of tenants and proprietors, to benefit the entire agricultural community. It was very evident that there was something wrong in the system hitherto pursued, inasmuch as the necessity of some such measure as this was generally admitted among all persons conversant with the circumstances of the population engaged in the cultivation of land in the sister kingdom. One of the principal ends which he desired to attain by the Bill, was to put a prohibition upon the levying of distresses without full previous notice having been given to the party proceeded against. Up to this time there had been no such condition imposed upon landlords; and the result had been, a state of things disgraceful to the country, and reflecting most discreditably upon the Legislature. The hon. Member quoted the evidence of a great number of witnesses examined before various commissions appointed to inquire into the condition of Ireland, to show that in the absence of such a restrictive measure as that now under discussion, the landlords, in a great majority of instances, had been encouraged to neglect all social considerations in the subletting of land, and to take steps only to extract from their tenants, in the most unjust manner, the largest possible amount of rent. The principle of establishing by law the right of compensation to tenants for improvements effected by them in their holdings, had been sanctioned by Lord Devon's report. Resolutions in its favour had been adopted at various meetings of landlords and tenants in various parts of Ireland. The like course was pursued at an important meeting which not long since took place in Dublin, and at which nineteen Peers and thirty-five Members of Parliament were present. The principle had likewise been embodied in two Bills brought forward by the late Government, one of which was introduced in that House, and the other in the House of Peers; and in 1841 he himself submitted to the House another Bill, the object of which was to secure compensation to tenants, though the late period of the Session at which that measure was brought forward prevented it from being carried into effect. It must, therefore, be evident to the House that the principle of the Bill of which he was now about to move the second reading, was supported by high authority, and had been adopted in the Bills framed by the late Government. He had hoped that Government would have introduced a measure on the subject; but as they had not done so, he ventured to bring the question once more before the House in the shape of a Bill. Another hon. Member had introduced a Bill having reference to the same subject, which had been allowed to go to a second reading, and therefore he could not suppose that the same privilege would not be extended to his measure. The title of the Bill declared it to be a measure to secure the rights of occupying tenants in Ireland, and thereby to promote employment. That, undoubtedly, would be its effect; and he ventured to assert, that no measure which the House could adopt would promote the employment of labourers in Ireland to an equal degree with his Bill. The number of acres under cultivation in Ireland was 13,465,000. Now, supposing his Bill was to stimulate improvement to the extent of 1*l.* per acre, the result would be to put into circulation a sum amounting to nearly 14,000,000*l.* It was a low calculation to estimate the sum which would be expended in improvements at 1*l.* per acre; it was more likely to be 4*l.* or 5*l.* It might be said, that the great body of the Irish tenants had not capital to enable them to effect improvements; but they had labour, which was the source of all capital. He had proved the preamble of his Bill; and the necessary consequence was, that the Legislature should pass a measure to protect the tenant in his right. The first clause embodied the principle of the Bill; and the mode in which he proposed to carry it into effect was by arbitration. That, however, was a matter of detail which could be considered in Committee; and he would not insist upon that precise mode of giving effect to the principle of the Bill, if a better one could be suggested. The present measure differed from the Bills introduced by the late Government in this respect, that it did not, like them, make it a distinct stipulation that a tenant must make no improvements to which the landlord did not assent, or must make them at his own cost. To clog the measure with such a condition, would in effect set aside the tenant right as it existed in Ulster; and no tenant right which fell short of that would satisfy the people of Ireland. In the county of Down, no public money was expended; the people were not dependent on England; they were able to do what was necessary for their own subsistence. It was the tenant right that conduced to the comfort and well-being of the people. He believed it would greatly increase the production of Ireland by the impulse it would give to better cultivation. The people of Ireland were spoken of as idle and ignorant; but their poverty and ignorance were caused by maltreatment, and the want of security as to the result of their labour. No one would accuse him of a desire to injure the interests of the class to which he belonged; he had made similar arrangements with his own tenants; and he only asked the House to adopt what he believed to be just. The hon. Gentleman concluded by hoping the House would agree to the second reading,

Mr. MONAHAN said, it was necessary

the House should see some great practical object to be gained from this Bill, before it could be induced, at this period of the Session, to involve itself in legislation upon so complicated a subject as the relations between landlord and tenant in Ireland. He certainly wished to see the interests of the occupying tenant protected; but he expected much more from voluntary arrangement and the good feeling of the landlord, than from any legislative enactment. He did not much object to the preamble of the Bill; but he was of opinion that the provision for compensation would not work so well as the hon. Member anticipated. By the provision as it at present stood, if the landlord let a piece of land for one or two years, expecting to get it back at the expiration of that term, he might find that the tenant had laid out a large sum of money bearing no proportion to the term of years; and he might be called upon to pay a sum for compensation on receiving back his land, which possibly he might be unable to pay. That would be manifestly unjust. In his opinion, any measure for affording compensation to the tenant, should bear some relation to the value of the land, and to the term of years for which it was held. The machinery also for carrying out the Bill appeared to be very imperfect. He thought the subject was one requiring very serious consideration at the proper period; but certainly this was not the proper period, and he should move therefore that the Bill be read a second time that day six months.

MR. BICKHAM ESCOTT said, the principle of the Bill was one of the greatest importance; but, though it was not likely the measure could have been sufficiently matured to pass into a law in the present Parliament, he thought it ought not to be treated like the Bill of the hon. Member for Berkshire, which applied the same principle to England. From the beginning that Bill was opposed as if it were a sham measure, meant only to amuse certain farmers who thought themselves betrayed and deserted, and who looked to it as a compensation for some legislative protection they had lost, but was never intended to become law. What was the object of the present measure? To secure the rights of the landlord, the tenant, and the labourer, in their respective positions as owners, occupiers, and tillers of the soil. No measure they could devise would give such an impulse to employment in Ireland as this, by inducing the occupiers to lay out more money in the cultivation of the land than they would do at present, because they had no permanent right or interest in the land. He trusted that the House would read the Bill a second time, and take the discussion on particular objections to it in Committee. The hon. Member for Rochdale was not wedded to the Bill as it now stood, but was anxious to go into Committee, where such alterations could be made as the House might deem advisable. He hoped that, whether they were able to carry the Bill to the third reading or not, the House would, at all events, establish the principle of the Bill; and a future Parliament would find themselves called upon to carry through a measure that he believed would prove of more advantage to Ireland than any other, not excepting the Poor Law itself.

SIR J. WALSH deprecated the idea of going into a subject of such great importance and of so complicated a nature with the view of deciding a mere abstract proposition. If the measure before the House were to be of benefit to both the parties whose interests it affected, it must depend altogether on the nature of the details; and, therefore, it would be rash and inexpedient at this period of the Session to decide upon it merely as an abstract naked principle. In all other relations of life—in all other trades and professions—it had always been considered that those engaged in them were much better judges of their own interest than any other parties; and nothing was deemed so impracticable as for the House of Commons to say what was the proper course for those parties to pursue in managing their affairs. It would be regarded as contrary to all the principles of political economy and free trade if that House was to undertake to legislate as to what line of conduct any description of traders, such as coachmakers or bakers, ought to pursue in their avocations; and why, then, should they do so in the case of landlord and tenant? By such a proceeding they would embark in a course that could only lead to an increase of the evils they were endeavouring to remove. In this Bill the Member for Rochdale had introduced a measure objectionable in principle, still more objectionable in detail, and by a speech still more objectionable than either. He had brought forward charges against the Irish landlords so criminatory in their character, that if they were established, the public would be led to the conclusion, that the whole of the property and rights of those landlords was held by a downright imposition upon the community. He did not mean to accuse the hon. Member of intentionally calumniating the Irish landlords; but his charges contained the grossest exaggerations; and he maintained that if they had been the unjust oppressors he had represented them to be, their oppressions would not have been so long borne, but justice would long ere now have overtaken them. So far, however, from the sentiments of the hon. Member being borne out by facts, he held that the Irish landlords had made greater sacrifices than the landlords of England had ever done for the benefit of their tenants. The hon. Member charged the minute subdivisions of land in Ireland upon the landlords. In many cases this might be true. He did not not deny that 40*s.* freeholds were created for political purposes; but, generally speaking, this was not the case. The Irish landlords were less swayed by an ambition to make their properties available for political than for pecuniary objects. Neither were the middlemen the great cause of these subdivisions of land which were found in Ireland. The real difficulty both landlords and middlemen in Ireland had, lay in the disposition and habits and tendencies of the population of Ireland. They were accustomed to look to land as their only source of subsistence, and not to trade or manufactures. Early marriages were universal; and these were almost invariably accompanied with the subdivision of some farm already too small; so that the landlord, when he first heard of the subdivisions, found that if he dispossessed the parties, he could only do so by throwing a young couple and young family destitute upon the world. This was the real cause of the evils arising from the subdivision of land in Ireland. He had the most perfect conviction that in accomplishing the improvement of Ireland, the landed proprietors must be the principal agents; and this could only be effected by keeping up a community of interest between both landlord and tenant in the land. The landlord was placed with respect to his tenant in a sort of double relation. As the mere holder of the soil he was entitled to the rent; but also as a capitalist, contributing a certain proportion of the outlay necessary to the cultivation and improvement of the soil, he became entitled to a proportion of the profits that were received from it; therefore the more inducement they held out to the landlord to embark along with his tenant capital for the cultivation of the land, the more they increased the produce, and established a better footing between landlord and tenant. If, however, they attempted to regulate by law the arrangements between the landlord and the tenant, the consequence would be, that the former would be afraid to embark their capital either for building purposes on farms, or for the general improvement of the soil. He would assuredly employ his capital in other ways, and decline to embark it in the improvement of his own property, if he was to be subjected to conditions that would give him only an uncertain interest in the advantages which were to be derived from it. He must express his sincere satisfaction that Her Majesty's Ministers had postponed the consideration of this subject till a time when they could consider it in a more deliberate spirit, and give to it that attention which a measure of such importance demanded at their hands.

MR. LABOUCHERE was unwilling to give a silent vote on this question, lest his silence should be liable to misconstruction, though he would not enter at any length into the various topics bearing on this very important subject, especially after the speech which they had heard from his hon. and learned Friend (Mr. Monahan). If the question was, whether it was or was not expedient that that House should consider the propriety of some legislation to improve the relations between landlord and tenant in Ireland—if there was nothing but that question before the House—he could not refuse his assent to the Motion; for there could be no doubt it was desirable that some legislative enactment should be matured by which those relations should be improved. Such a course would be quite consistent with the sentiments expressed by Her Majesty's Government. His noble Friend the First Lord of the Treasury had stated at the beginning of the Session, that the Government intended to bring under the consideration of the House, a safe and satisfactory measure on this most difficult and important question. That measure was delayed till the noble Lord who then filled the situation of Lord Lieutenant of Ireland (the lamented Earl of Besborough), who had paid particular attention to the subject, should be able to attend in his place in the House of Lords, when he could recommend to Parliament such a measure as, on the whole, would be most beneficial.

The delay, therefore, had been owing to the unfortunate event which had deprived this country and Ireland of the services of Lord Besborough; and the great pressure of Irish business during the Session had reluctantly compelled the Government to give up the intention they had entertained of submitting a measure on their own responsibility to Parliament on the subject—a subject which was as complicated and difficult as it was important. He agreed with those Gentlemen who thought that any false step on this subject—any measure merely passed for the purpose of gaining popularity among the tenantry of Ireland, which would shake the foundations of property in that country, and deprive the landlord of all inducement to embark his capital for the improvement of his land and the encouragement of his tenantry—would be attended with the most disastrous consequences. At the same time, he could not agree with those who had argued that no measure of this kind should be introduced. He thought, looking to the present state of the relations between landlord and tenant in many parts of Ireland—looking at the jealousy and estrangements that unfortunately existed between two classes of society that ought to have the deepest interest in, and the best understanding with, one another—looking at all the circumstances of Ireland—he believed that measures might be devised of a nature that would be objectionable in a country circumstanced like this, which, if maturely considered, might produce beneficial consequences in Ireland. He confessed that he was prepared to approach the consideration of this subject with reference not only to general principles, but with reference to the special circumstances of Ireland. He believed a measure might be framed that would avoid shaking the security of landed property in Ireland, while, at the same time, security would be given for the profitable outlay of capital in judicious improvements of the soil, and encouragements given to tenants; who, he was afraid, were not at present, in some parts of Ireland, so much encouraged as they ought to be. But he could not admit that this was the question they had to decide on the present occasion. A Bill had been submitted to the House by the hon. Gentleman the Member for Rochdale; and he need scarcely say that he, for one, could have no prejudice against that Bill on account of the source from which it came. He admitted that any measure of this kind, coming from a Gentleman who, like his hon. Friend, was an extensive Irish landlord, and known for the kindness and consideration with which he acted towards his tenantry, had a right to meet a favourable construction from that House. But, although he confessed that he was disposed to look at the measure with a desire to give it the most favourable consideration, yet, after the best attention he could bestow upon it, he did not think it one which he was prepared to state to the House they could hope to put into such a shape that Parliament would give its sanction to it. The hon. Member for Winchester admitted, that, looking at the Bill itself, there was no prospect that it could become an Act of Parliament in the present Session; but that, he added, was no reason why this House should not sanction the principle. But he considered that this was a very dangerous course in relation to such a measure. It would give rise to misconstruction and alarm amongst the landlords of Ireland, and excite unbounded expectations amongst the tenantry; and, thereby, so far from affording facilities, would create obstacles to another similar measure. He, therefore, assured the hon. Member for Rochdale, that if he objected to the second reading of this Bill, it was neither from any personal disrespect to him, nor because he did not agree with him that the subject deserved the serious consideration of Parliament; but because, having examined the Bill, he was satisfied that it did not afford materials for framing out of it a measure which that House ought to pass and send to the other House of Parliament, with a view of its becoming the law of the land; because he did not think it could be made a useful and satisfactory measure, or promote what ought to be the object of such a Bill, namely, to provide a proper security to the tenantry of Ireland, and at the same time promote the cultivation of the soil; but it was because he saw in it the seeds of litigation and disputes. He did not know that he need trouble the House with any further observations. If the hon. Member for Rochdale persisted in going on with the Bill, it would be his duty to record his vote against the second reading of it.

MR. E. B. ROCHE tendered his humble thanks to the hon. Member for Rochdale for having introduced this Bill. The great evils of Ireland resulted from the unsettled state of the relations between landlord and tenant. That being the case, he wanted to know why it was that Her Majesty's Ministers had not been prepared to come forward with a measure for remedying this great source of evil? In both England and Ireland, there was no body of men who had been so deluded as the farmers. Upon this question of the relations between landlord and tenant, they had been deluded. There were two parties in that House whom he accused of deceiving the farmers of Ireland. In the first place, Her Majesty's Ministers had deceived them: they had made promises at the beginning of the Session, and now they were at the end of it and their promises had not been fulfilled. The other party in the House of whom he complained, on the part of his constituents in Ireland, was the party called the "Irish party"—called "Irish," he supposed, because they had not fulfilled any one thing they had promised to do. If this Bill were thrown out on the second reading, the excitement of the public mind in Ireland would not be relieved by the speech of the right hon. Gentleman the Chief Secretary for Ireland, who had spoken as usual in a very kind and conciliatory tone, but had promised nothing, and pledged himself to nothing. That right hon. Gentleman had admitted that the question which the Bill sought to settle was a very important one; and he concluded his speech by declaring his intention to vote against it. By giving the Bill a second reading, the House would be affirming the principle that the relation between landlord and tenant in Ireland was in such a condition as to call for the interference of the Legislature. That was all that the promoters of the Bill required. Whatever was objectionable in the measure, could easily be altered and modified in the Committee up stairs. He implored, therefore, of the House to give the Bill a second reading. If they refused to do so, the result would be to impress the Irish people more strongly than ever with the conviction that, no matter what promises might be held out to them at this side of the water—no matter how rich the vision might be with which English statesmen might seek to allure their imaginations—there was but one hope for Ireland, namely, the restoration of her domestic Legislature. His hon. Friend below him said that he heartily wished they had it; but it was to be hoped that the hon. Gentleman would attest the sincerity of his words by voting for it when the proper opportunity should arrive. How could the people of Ireland have confidence in that House, when that House played with them in such a manner? Deceived by the Whig party, for whom they had made such sacrifices, and for whom the frieze-coated voters travelled miles upon miles to the hustings that they might carry them on their shoulders into power, and deceived also by that new party who started into existence to redress all abuses, and to lead public opinion in Ireland, the Irish people would be impelled irresistibly to the conclusion that it was idle to expect justice from the Imperial Parliament—idle to rely on the professions of pretending friends—and that there was no hope on earth for them except in repeal.

Mr. SHAW said, that he had little more to do than express his general concurrence in the reasons which had been given by the hon. and learned Gentleman the Solicitor General, and the right hon. Gentleman the Secretary for Ireland, against the second reading of the Bill. He respected the character and the sincerity of the hon. Gentleman who brought forward the Bill, and gave him credit for the best motives in so doing. He was not unfriendly to a principle of fair compensation to the tenant for the permanent improvements he might make upon the land; but he would desire to see the principle founded, as far as it was possible, upon voluntary arrangement between landlord and tenant. The hon. Member for Winchester represented the hon. Member for Rochdale as not bound to any of the details of the present measure; but the hon. Member himself said, that he did consider it essential to the principle of the Bill to retain the retrospective operation of the compensation clauses; and also that the so-called "tenant right," in Ulster, now a matter of voluntary agreement between landlord and tenant, should be converted into a legal right on the part of the tenant. To both of those provisions he entirely objected. He wished also to explain that the law of landlord and tenant, under the civil-bill ejectment code, in Ireland, was not altogether as might be inferred from the statement of the hon. Member (Mr. S. Crawford). It was true, that in one sense a fifteen days' notice and a small expense would suffice for the purposes of a civil-bill ejectment; but there must, moreover, be a regular six months' notice to quit in case of an overholding tenant; and in other cases, either a full year's rent in arrear, or an absolute desertion of the premises by the tenant; and he had always been of opinion that the system in question, entailing very small comparative cost, was fully as advantageous to the tenant as to the landlord. With regard to the observations of the hon. Gentleman who had just sat down, that two parties in that House, namely, the Government and the "Irish" party, had greatly disappointed the Irish people, he had only to say that he was not bound to defend the Government, nor was he in any other way a member of, or connected with, what had been called the Irish party, than that he had at all times expressed and acted upon the determination to co-operate with any Irish Member, without reference to party or to politics, in promoting the general welfare of Ireland; but he could not help saying, that there was a third party which the hon. Gentleman (Mr. Roche) had not mentioned, and to which the hon. Gentleman belonged, which had more egregiously disappointed the Irish people than any other. He (Mr. Shaw) meant the Repeal party. On the whole, he gave credit to the Government for the straightforward course they had taken in opposing the present Bill on the second reading, instead of consenting to go into Committee, without the possibility of any good result; and he would, if the hon. Member (Mr. Crawford) should divide the House, vote with the Government against the second reading.

Mr. M. J. O'CONNELL said, that when Gentlemen talked of the lateness of the Session, they should recollect that this debate had been adjourned since the 28th of April. He confessed that he had been considerably disappointed, first at the cautious manner in which the right hon. Recorder of Dublin had stated that he did not altogether object to the principle of giving some compensation to tenants; and, secondly, at the over-cautious manner in which the right hon. Gentleman (Mr. Labouchere) had dealt with the principle. If this had been a new question, raised for the first time, he should not have been surprised at this caution; but he remembered that, four years ago, the right hon. Baronet the Member for Tamworth had requested the hon. Member for Rochdale to withdraw a Bill upon this subject, on the ground that the Government of that day were about to inquire into the subject. That inquiry commenced in the winter of 1843; and the reports and evidence were laid before the House in 1845, accompanied by recommendations from the Commissioners of great importance. But, with a single exception, all that series of blue books had been as useless as if they had never been in existence. After the principle of compensation had been sanctioned by the respectable authority of the Commissioners, he thought the House ought to have had from Her Majesty's Government something more decisive than the declaration from the right hon. Gentleman, that he did not despair that something might be done upon the subject. However, it appeared that they had not done so. A circumstance had occurred, to which no one could refer without feeling the most sincere regret. To Lord Besborough this subject had been entrusted, and no man was more fit to have brought it forward. He hoped the event that had happened would be a warning to the Government not to entrust such a subject again to any one individual. It had been said that the landlords of Ireland ought to give encouragement to their tenants; but this could not be effectually done unless the land were allowed to remain in the tenants' possession for a period sufficiently long to admit of their making improvements, and unless, also, security were given to the tenants that when those improvements were made, they should receive an adequate compensation. Instead, therefore, of looking upon this measure as one calculated to be injurious to the landlord, he was of opinion that it would be conducive to the personal and even selfish interests of the landlords. This being the object which his hon. Friend wished to carry into effect, he should give him his most cordial support.

Mr. TRELAWNY remarked that the hon. Member for the county of Cork (Mr. E. B. Roche) had accused the Government of having deluded the people of Ireland; but, in his opinion, this Bill was a complete delusion, for it held out promises to the tenants of Ireland which could not possibly be fulfilled.

Sir H. W. BARRON said, that a large number of the proprietors of Ireland asked for this Bill; and it was matter of surprise that the hon. Member for the county of Cork should have thought proper to accuse the Irish party, as he was pleased to designate those Irish Members who deemed it their duty to confer together for promoting the common interests of their country, with having deluded and deceived the Irish people. It was unbecoming of the hon. Member, who remained at home in Cork, instead of attending to his Parliamentary duties in that House. And when the hon.

Member talked of great promises on the banks of the Liffey, and small performances on the banks of the Thames, he (Sir H. W. Barron) would remind the hon. Member that great promises had been made in Cork, and there had been small performances in Westminster. He approved of the principle of the Bill, though he considered its details objectionable. These could be amended in Committee, and he should support the second reading.

Mr. YOUNG considered the present question to be surrounded by a vast amount of difficulty. This was evident from the failure of former attempts to legislate upon it. Lord Stanley, when he was a Member of the Government of the right hon. Baronet the Member for Tamworth, introduced a measure upon this subject, but it was withdrawn; and at a subsequent period the noble Lord the Member for Falkirk (the Earl of Lincoln) also brought forward a Bill having the same object in view, but that too was allowed to drop. This could only be accounted for by the fact that the subject itself was inherently difficult and complicated. Throughout the speech of the hon. Member for Rochdale (Mr. Sharman Crawford), two very distinct subjects had been constantly mentioned together, and very much confused with each other: the one, due compensation to the tenant for a *bonâ fide* outlay in improvements in the land; and the other, fixity of tenure. It was very desirable that these two questions should be separated. No one opposed compensation for money laid out in improvements; and the only difficulty that existed was the mode of ascertaining what that outlay really was. But this Bill did not provide any means by which the actual improvements and their real value might be ascertained. There should be a preliminary valuation of the lands on the tenant's taking a farm; but this was not proposed to be done, so that everybody who chose to call anything an improvement might charge his landlord what he pleased. Every tenant who took a farm did so with his eyes open; he was competent to know its actual condition; and he was aware that if there were the necessary buildings upon it, he would have a higher rent to pay than if there were not. The whole effect of the Bill would be to make the tenants, in fact, owners, and the present owners merely rent-chargers on the land. The second preamble was contrary to the fact and to history: the reason why the tenants of Ulster paid a high rent for land was because they had nothing else to live upon; but if there were such a thing as payment for labour on farms in Ireland, the tenant-right would disappear. Looking at this clause, it would seem that the tenant-right extended over the whole of Ireland; but it was partial even in the parts where it existed; and in Meath, with regard to the larger farms, the right did not exist at all; and if the Bill had the effect of continuing the present occupiers of land in their existing condition, the Legislature would inflict the greatest evil upon Ireland. The landlords of Ireland were anxious to improve the condition of the tenants; but they had great difficulties to contend with, and he excepted the resident landlords especially from the charge of not having done their duty. Upon the one-fifth who were resident all complaints fell, for whenever they thwarted a job or a popularity-hunter, they were opposed at home and complained of in that House.

Mr. BOURKE defended the hon. Member for Cork for his absence in Ireland, where he had been attending to his duty as a landlord; and admitted that the Irish party, to which he had himself belonged, had done wrong in rejecting the proposal of the noble Member for Lynn for benefiting his country.

Mr. LEFROY was of opinion that Ministers had adopted a most proper and discreet course in opposing a measure which, if passed, would be far from serving the interests of Ireland: he could not understand how the adoption of it could benefit any party in that country. At the same time he was not opposed to such a provision as had been adverted to by the Secretary for Ireland. From the Bill under consideration the tenants would be led to indulge hopes that never could be realized. Supposing Government to approve of the principle of the measure, they ought not to support the second reading unless they could concur in most of the details.

Mr. ROSS would have voted in favour of the principle of the Bill, if there were any hope that the details could have been settled in the course of the present Session. There was no possibility of doing so; and a measure which Ministers were very desirous to pass, had not yet been even introduced. He admitted that he could not agree in any of the details of the measure under consideration.

Mr. M'CARTHY said, he would only delay the House while he alluded to a few of the objections that had been raised to this

Bill. The first of these objections was, that it was now too late to press it forward; but surely the fault of the delay that had taken place rested with Her Majesty's Government themselves, and not with the hon. Member for Rochdale. The next objection was, that no compensation was to be given, except on the termination of a tenancy. That surely was not an objection worthy of much attention, for it was clearly only when the landlord determined the tenancy that he ought to be called upon for compensation. Another of the objections urged by the hon. and learned Gentleman the Solicitor General for Ireland was, that arbitration would be very expensive. So it no doubt would, if lawyers were to arbitrate; but he could not see why such questions should not be left to the decision of two or three honest men who were not lawyers. The right hon. and learned Gentleman the Recorder of Dublin complained that the Bill had a retrospective operation; but he, for one, could not see how such a measure could be just or useful unless it were retrospective in its effect. He should give his most cordial support to the second reading.

MR. POULETT SCROPE did not see that the House could occupy itself for the short time it had to sit before six o'clock, with a more important question than that before them. If they wished to improve Ireland, they could not do so more effectually than by giving a stimulus to the occupying tenantry of Ireland to develop the resources of the country and increase its natural productions by every means in their power. To effect such an object, he considered the security which this Bill was intended to effect, absolutely essential. It had been objected, that if such a Bill were passed for Ireland, a similar Bill should also be adopted for this country. He could not agree in that argument. There were essential differences between the condition of the two countries, two of the principal of which arose from the facts that in Ireland the average extent of farms was but five acres, and that in this country it was customary for the landlords to effect all the great improvements themselves.

On the question, that the word "now" stand part of the Question, the House divided:—Ayes 25; Noes 112: Majority 87.

List of the AYES.

Barron, Sir H. W.
Blake, M. J.
Bodkin, J. J.
Bowring, Dr.
Boyd, J.
Castlereagh, Visct.
Collett, J.
Colville, C. R.
Corbally, M. E.
Escott, B.
Fielden, J.
Fitzroy, hon. H.
Law, hon. C. E.
Lawless, hon. C.
M'Carthy, A.
Mitchell, T. A.
Morris, D.
Norreys, Sir D. J.
O'Brien, J.
O'Brien, T.
O'Connell, M. J.
Pechell, Capt.
Perfect, R.
Scrope, G. P.
Wawn, J. T.
Yorke, H. R.

TELLERS.

Crawford, W S.
Roche, R.

List of the NOES.

Adderley, C. B.
Allix, J. P.
Arkwright, G.
Bankes, G.
Baring, rt. hon. F. T.
Bentinck, Lord G.
Blackstone, W. S.
Bodkin, W. H.
Boldero, H. G.
Borthwick, P.
Brown, W.
Browne, hon. W.
Buller, C.
Buller, Sir J. Y.
Bunbury, W. M.
Burke, T. J.
Busfeild, W.
Byng, rt. hon. G. S.
Carew, W. H. P.
Christie, W. D.
Clifton, J. T.
Clive, Visct.
Codrington, Sir W.
Cole, hon. H. A.
Corry, rt. hon. H.
Craig, W. G.
Deedes, W.
Denison, J. E.
Dennistoun, J.
Dick, Q.
Dickinson, F. H.
Duckworth, Sir J. T. B.
Duncan, G.
East, Sir J. B.
Farnham, E. B.
Ferguson, Sir R. A.
Floyer, J.
Forbes, W.
Forster, M.
Frewen, C. H.
Fuller, A. E.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gill, T.
Gladstone, Capt.
Goring, C.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greene, T.
Grey, rt. hon. Sir G.
Grogan, E.
Halsey, T. P.
Hamilton, W. J.
Hamilton, Lord C.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Heneage, G. H. W.
Henley, J. W.
Hodgson, R.
Houldsworth, T.
Howard, hon. C. W. G.
Howard, P. H.
Hudson, G.
Hughes, W. B.
Hussey, T.
Jolliffe, Sir W. G. H.
Jones, Capt.
Labouchere, rt. hon. H.
Lefroy, A.
Macaulay, rt. hon. T. B.
Mainwaring, T.
Marshall, W.
Maule, rt. hon. F.
Milnes, W,
Mitcalfe, H.
Monahan, J. H.
Mostyn, hon. E. M. L.
Mundy, E. M.
Norreys, Lord
O'Brien, A. S.
Pakington, Sir J.
Plumridge, Capt.
Polhill, F.
Rashleigh, W.
Rendlesham, Lord
Repton, G. W. J.
Rice, E. R.
Richards, R.
Rolleston, Col.
Romilly, J.
Ross, D. R.
Round, J.
Russell, Lord J.
Rutherfurd, A.
Seymer, H. K.
Shaw, rt. hon. F.
Smith, rt. hon. R. V.
Trelawny, J. S.
Verner, Sir W.
Vesey, hon. T.
Vyvyan, Sir R. R.
Walpole, S. H.
Walsh, Sir J. B.
Ward, H. G.
Wilshere, W.
Winnington, Sir T. E.
Wodehouse, E.
Worcester, Marq. of
Young, J.

TELLERS.

Tufnell, H.
Parker, J.

Bill put off for six months.

POOR REMOVAL ACT AMENDMENT BILL.

Mr. BANKES moved the Order of the Day for the Second Reading of the Poor Removal Act Amendment Bill. It was not his intention to call on the House to repeal the whole of the Poor Removal Act, but only a part of that Act which had excited so much discontent throughout the kingdom, and which had caused so grievous and unwarrantable pressure upon the towns and upon the class of humbler ratepayers. He had supported the Bill now in operation; but he found, when it pressed injuriously on towns, that it was his duty, although he was the representative of a purely agricultural county, to represent to the House the serious grievance which the poor population of towns laboured under. The pressure on the towns was an intolerable burden, and the consequence was, that a great number of persons were about to leave them, as their incomes could not bear the infliction of a double poor rate. He had in his possession a letter from the incumbent of the town of Blandford, who represented that the additional burden cast upon the poorer classes of the ratepayers was such as would compel them to quit the neighbourhood. In fact the poor had to maintain the poor; and unless some alteration were made, the evil would be so aggravated, that the result would be to depreciate rents to the extent of 25 or 50 per cent. [The hon. Gentleman proceeded to read various returns from the city of York, to show the increase of poor rates in that city, and to prove that the rate fell upon the poorest class of ratepayers, whilst the wealthier classes were permitted to escape comparatively free.] It was no answer to him to say that the Government intended to bring in a Bill which would have the effect of making a salutary alteration. He knew that the subject was one attended with so many difficulties, that the Government could not introduce any measure in a hurry. He knew they could not do it this Session, and he felt assured they would not do it in the next. But what objection could there possibly be to relieve the poor ratepayers, and to let the pressure fall on the rural and agricultural parishes, which were quite willing to bear their share of the burden? He denied that there was any redeeming quality in the Bill at present in operation; and he believed it had not been productive of any benefit to the class for whose interests it was originally framed. He was sorry to have to say it, but it was his decided opinion, that the Poor Law Commissioners, however well versed they were in the law, were totally unacquainted with the mode in which the law worked. They sat in their chambers and took it for granted that all went well, until called to interfere by some serious or strong complaint. But the poor had no power to make a strong or a serious complaint against a grievance; and the present Poor Removal Bill inflicted upon them great and unjustifiable injury. The class of poor against whom the Bill operated with great cruelty and injustice, was more especially aged widows and other persons who were in the receipt of 2*s.* or 3*s.* a week from the parish, and who considered they would be enabled by means of this small assistance to pass the remainder of their days under the shelter of a relative's roof. Formerly they were permitted thus to live out of the parish, and even out of the union; but by the more recent enactment they were compelled to remove, and in many cases lost their shelter and support, without which their lives must be passed in poverty and desolation. The Committee which had been appointed some months ago to inquire into the working of the law, had received a great deal of evidence on the subject; but the inquiry, though extending over four or five months, had ended (as he expected it would) in nothing except a resolution, or rather a skeleton report, which was to be presented to the House to-morrow. The hon. Gentleman having alluded to the unequal pressure of the existing law, and stated, in support of his position, the particulars of cases from Norwich, South Wales, Cornwall, and other places, observed, that as it then wanted but a few minutes of the hour for the adjournment of the House, he would content himself by simply opening his case, and postponing his further remarks to another opportunity. If the Government remained deaf to all warning and entreaty—if they refused either to repeal or to alter the Act, he should certainly persevere in his Motion. He was aware that the state of the public business would not permit of his proceeding further until that day week; but as upon that day he would have a precedence over the other orders, he would content himself now by moving that the Bill be read a second time that day week.

Bill postponed.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, June 17, 1847.

Minutes.] Public Bills.—1ª London (City) Small Debts. 2ª Van Diemen's Land Company; British American Land Company; Soap Allowances; Stage Carriages, &c. Duties. *Reported.*— Master in Chancery; Masters in Chancery Affidavit Office.

Petitions Presented. From several Teetotal Societies, meeting in London, for the Enactment of Sanitary Regulations.—From several Persons connected with the Administration of the Poor Law in England and Wales, for the Insertion of a Clause in the Poor Law Amendment Act, empowering Boards of Guardians to Grant Superannuation Allowances to Poor Law Officers.

THE PORTUGUESE INSURGENTS.

Lord BROUGHAM would take this opportunity of putting a question to his noble Friend the President of the Council, regarding the Portuguese insurgents who had been sent as prisoners or convicts to Angola by the Portuguese Government. He wished to know whether or not it was true that when the small vessel which took out Count Bomfin and the other prisoners arrived at Angola, an insurrection took place in the colony? Could it be possible that such an untoward event as this had taken place? It was understood that the prisoners of war had been sent out to the coast of Angola for greater security; but it had turned out, as it seemed, that the people of Africa took part with them, and that at this moment Bomfin was governor of Angola. He hoped that Das Antas would be kept in better security, or he might become governor of Lisbon.

The Marquess of LANSDOWNE was understood to say, that he had heard of such a report as that to which the noble and learned Lord alluded, but he did not know whether it was true.

Lord BROUGHAM: Have you any doubt of it?

The Marquess of LANSDOWNE: I have some doubts.

Lord BROUGHAM, seeing the noble Lord at the head of the Admiralty in his place, inquired of him whether there was any truth in the report?

The Earl of AUCKLAND was understood to reply that it was not in his power to say.

Lord BROUGHAM: Have you any doubt of it?

BIRMINGHAM AND OXFORD JUNCTION RAILWAY.

Report from the Select Committee on the Petitions respecting the Birmingham and Oxford Junction Railway, considered.

Lord LYNDHURST said, it was from purely accidental circumstances that he had taken up this question; and he really wished that it had fallen into the hands of some noble Lord more acquainted with the usual course of railway proceedings than himself. However, in consequence of the part which he had already taken in this question, he thought he could not now leave it in its present position without leading to the conclusion that he had abandoned the opinion which he had originally formed respecting the merits of this case. So far from this being the fact, every thing that had occurred had tended strongly to confirm his original opinion. Much pains had been taken to render this case involved and complicated; but if their Lordships attended for a few moments to the observations he had to make, he was quite sure that their Lordships would see that it resolved itself into one or two very plain and simple points. He would press this subject strongly on the attention of Her Majesty's Ministers, because it tended to show the importance of taking care that these powerful bodies, the railway companies, invested with so much authority by the Legislature, should not apply that authority for the purpose of injuring the rights of other individuals, or of defeating the intentions of Parliament. The noble and learned Lord then briefly reviewed the circumstances which had led to the consideration of the subject by a Select Committee. He observed, that in the last Session of Parliament a Bill passed for the establishment of the Birmingham and Oxford Junction Railway. As an immense traffic already passed along the North Western Railway, the security of the public was involved in the establishment of the Birmingham and Oxford Junction line as a rival line to the North Western; and to effect that object a clause was introduced into the Bill, enabling the Great Western Railway Company, and that company alone, to purchase the Birmingham and Oxford Junction line. In consequence of that clause, shortly after the close of the Session, negotiations were opened between the two companies, which led to an agreement by which the Great Western Railway Company purchased the whole of the Birmingham and Oxford Junction line. In order to give validity to this agreement, it was necessary that it should meet with the concurrence of the shareholders of the Birmingham and Oxford Junction line; and accordingly a meeting of shareholders was held to consider the propriety of affirming the agreement. At that period, the North Western Railway Company, who originally opposed the Birmingham and Oxford Junction Railway Bill in all its stages, intervened; and, by the means of a Mr. Mozley, connected with the North Western Company, endeavoured to persuade the shareholders of the Birmingham and Oxford Junction line to sell it, not to the Great Western Company, agreeably with the provisions of the Bill passed by Parliament, but to the North Western. But all these attempts failed; and, consequently, at the meeting of shareholders the agreement to sell the line to the Great Western Company was confirmed. Therefore, an agreement was come to, binding both on the Birmingham and Oxford Junction Company, and on the Great Western Company. After this meeting, Mr. Glynn, the chairman of the North Western Company, renewed the attempt to purchase the Birmingham and Oxford Junction line, and wrote letters containing very tempting offers to Mr. Muntz, the chairman of the latter company. Mr. Muntz, however, refused to accede to them; and the consequence was, that almost immediately afterwards—in the month of December, he believed—a contrivance was resorted to for the accomplishment of the object, not in a direct, but indirect, manner. Within six weeks after the rejection of Mr. Glynn's proposals, nearly the whole of the shares of the Birmingham and Oxford Junction line were purchased by persons connected with, and dependent on, the North Western Company. If these had been *bonâ fide* purchases, for ordinary purposes, he should never have troubled their Lordships on this subject; but their Lordships would see that these purchases were made solely for the purpose of defeating the object of the Act of Parliament in establishing a rival line to the existing North Western line. The individuals to whom he had referred, within the short period of six weeks of the rejection of Mr. Glynn's proposals, purchased 35,000 out of 50,000 shares in the Birmingham and Oxford Junction line. It was in reference to this proceeding that the whole question turned. What were the terms of the agreement entered into between the Great Western Company and the Birmingham and Oxford Junction Company? It was agreed that a certain sum, about 10*l.* per share, should be given, by way of premium, on each share. Now, it was obvious, that any parties purchasing the shares at a higher price must be losers; but it would be found in the evidence before the Committee, that all those shares, or many of them, had been purchased by the persons he had adverted to at a great advance on the price to be paid by the Great Western Company. Almost immediately after the period to which he had referred, the directors of the North Western Company, and the committee of management of that company, purchased 4,000 shares in the Birmingham and Oxford Junction Railway. [The noble and learned Lord here referred to particular cases in which several members of the same family were the registered purchasers of shares in the Birmingham and Oxford line.] He thought their Lordships must be satisfied that these purchases had not been made *bonâ fide*. If he believed that the shares had been purchased in the regular way of business, he would have been the last person in that House to make any complaint on the subject; but when he found that the solicitors, the superintendents of locomotives, and other officials connected with the North Western Company, had, at the period to which he referred, become extensive purchasers of shares in the Birmingham and Oxford Railway, he could not but come to the conclusion that the object of the former company had been to obtain the command of such a number of votes among the shareholders of the Birmingham and Oxford Railway Company as would enable them to control the proceedings of that company. After the purchase of these shares by persons connected with the North Western Company, a meeting was advertised for the appointment of provisional directors of the Birmingham and Oxford Railway. The number of provisional directors was at that time 12; but, under the Act of Parliament it might be increased to 18; and at the meeting to which he referred, six directors were added, under the authority of the Act, to the original number, the additional directors so appointed being persons so exclusively under the influence of the North Western Company. The next attempt made was to remove four of the original directors, and to substitute persons connected with the North Western Company. This, however, could only be done through the medium of a court of justice. The attempt was made in the Court of Chancery, but it was unsuccessful. The attempt had been renewed in the Court of Queen's Bench, where the matter was still pending; and it remained to be seen whether the application of the North Western Company would be more successful in that court than it had been in the Court of Chancery. The North Western Company suggested, that under the Standing Orders of that House the propriety of proceeding with this Bill should be referred to the shareholders; but if the question were left to the shareholders (a great majority of whom had no independent rights, but were under the influence of the North Western Company), there could be no doubt that three-fifths of them would refuse their consent to the measure. He (Lord Lyndhurst) thought that if their Lordships were satisfied these shares were purchased for the object he had stated, they would be of opinion that, under the circumstances, the Standing Order might be dispensed with. If this course was not assented to, the Bill would be thrown out by the influence of parties who had purchased shares for the sole purpose of defeating the measure. He would therefore move that the Committee be instructed to proceed with the inquiry which they were directed to make by a former Order of the House.

After a few words from the Earl of Radnor, the Earl of Devon, and the Duke of Richmond,

Lord KINNAIRD said, he had voted, on a former occasion, against the appointment of a Committee on this subject, because he did not think it right that the Legislature should interpose while proceedings in the case were pending in a court of justice; but, as their Lordships had assented to the appointment of a Committee, he was ready to support the proposal of the noble and learned Lord, that that Committee should go one step further in the inquiry. He considered that, having gone so far, it was most desirable they should ascertain the truth of the statements which had been made on either side. It had been asserted that shares in the Birmingham and Oxford Junction Railway had been purchased with the funds of the North Western Company; but to this assertion he did not attach any credit, although it was very possible that the shares might have been bought by friends of the North Western Company. If the agreement which had been entered into should be declared illegal by the courts of law, the Oxford and Birmingham Railway could not be sold to the North Western Company without the matter coming before their Lordships in the next Session; and, if Parliament should then be of opinion that this line should be constructed upon the broad gauge, they would have an opportunity of legislating upon the subject. At the same time he thought it most desirable that the Legislature should not interfere until the validity of the agreement had been decided by a court of law.

Earl FITZWILLIAM would support the Motion of the noble and learned Lord; for he considered, after the allegations which had been made, that it was incumbent upon Parliament to interfere, and to institute an inquiry into the truth of the statements. He would recommend that it should be an instruction to the Committee to continue their labours. If, however, the Committee were of opinion that they could not pursue their inquiry with satisfaction to themselves, it might be desirable to appoint another Committee, who might take a different view of the duties they had to perform.

The Earl of CHICHESTER, as chairman of the Committee, was understood to enter into an explanation of the reasons that had led the Committee to come to the report which they had presented to the House.

Lord BEAUMONT said, the question which their Lordships had to decide was, whether it was advisable to suspend one of their own Standing Orders. The best course would be, to instruct the Committee to proceed with their inquiry, and to report whether or no the allegations contained in the petition were true or false. Their Lordships would then be in a position to decide whether or not they would suspend their Standing Orders.

Lord PORTMAN said, he held in his hand a letter from Mr. Glynn, the chairman of the London and North Western Company, in which that gentleman stated that no funds of that company had been either directly or indirectly advanced in the matter; that no money had been borrowed by the company on that account; and that no guarantee whatever had been given by that company bearing upon or having any relation thereto. This letter, however, furnished no answer to the noble and learned Lord (Lord Lyndhurst), because it was merely a denial of any acts on the part of the company, and was not a denial of the acts of individuals who might be members of that company. He thought it would be unnecessary to appoint another Committee, although it might be desirable to add thereto the names of two or three Peers who were more familiar with legal matters than any of the noble Lords who now constituted that Committee.

The EARL of DEVON addressed their Lordships at some length, but was inaudible.

LORD REDESDALE contended, that the facts being already established, there was no necessity for further inquiry by the Committee. The Committee, he thought, should be required to report upon the whole of the line from Birmingham to Oxford; and when the report was finally made, and made in a manner satisfactory to the House, it ought then to be referred to the Railway Commissioners; but those steps had better be taken after the decisions of the courts of law were made known. If the shareholders were right in their points of law, they were justified in opposing the Bill; but even if they did not prove to be right in their points of law, they were justified in saying that a sale had taken place. He should now move as an Amendment to the first resolution the same Motion that he had on a former occasion brought forward, which was to the effect that no further proceedings should be taken by the Committee until the decision of the courts of law had been obtained.

The EARL of WICKLOW thought, that the labours of a Committee could throw no further light upon the subject.

LORD BROUGHAM said, that he was disposed to support any proposition that would have the effect of giving some better security to the public than they at present possessed. Competition, he thought, would produce this advantage. He should be, therefore, well pleased to see the two lines of railway carried out. If they shut out competition, there would be no security for life or limb. There could be no doubt as to the way in which those parties would vote who had purchased up the shares; they would give their votes in a manner respecting which there could be no uncertainty; and there could also be no doubt that the effect of their proceedings would be to shut out all competition, and to deprive the public of all security. All that the Committee had to do was to inquire into the facts, leaving it to the House to decide upon the merits of the case when those facts were ascertained. And of this he was assured, that, if the investigation were honestly and fairly taken, and diligently pursued, though it might lead to many of the objections alluded to by the noble Earl on the cross-benches, though it might lead to crimination and even to recrimination, it would tend to operate by way of example, and to make it impossible to repeat the offence.

LORD STANLEY said, that the House was already in possession of the facts as to the purchase of the shares by the North Western Company; and what remedy, he would ask, would their Lordships propose for that evil? Were they prepared to legislate on the subject? And, if not, what did their Lordships expect the Committee to do? It was true that they had allowed the purchase of the shares to be made; but to get over the technical difficulty of the transfer, the company must apply to Parment for an Act to confirm their purchase; and the answer to their application would be the technical rule against such purchases which had been drawn up by the noble and learned Lord near him.

EARL FITZWILLIAM said, the noble Lord seemed as if he wished to bring back their Lordships to the consideration that this question was a simple question of dispute between the two companies; whereas he apprehended that the question was not as to the stratagems which had been going on upon one side or the other, but whether the result of those stratagems was not calculated to damnify the public.

Their Lordships divided on the question that the words proposed to be left out stand part of the Motion:—Contents 22; Not-Contents 28: Majority 6.

Resolved in the negative.

Then the said Amendment was, by leave of the House, withdrawn; and the original Motion was put and negatived.

LORD REDESDALE then gave notice that on some future day he should move the following Resolution:—

"That the Railway Commissioners be directed to inquire into the accommodation afforded by the several lines now open, or in the course of construction, or projected, between London and Birmingham, and to report to this House early in the ensuing Session of Parliament in what manner they are of opinion that the interests of the public might be most effectually secured in regard to such lines; and whether it was expedient that the broad gauge should be extended to Birmingham; and, if so, in what manner such an arrangement could be carried into effect with the least interference with existing interests and with the system of railway communication as settled by the Act for regulating the gauge of railways, and what conditions it would be desirable to annex to any permission granted to the Great Western or other railway companies to lay down a broad gauge, contrary to the provisions of the said Act."

House adjourned.

HOUSE OF COMMONS,

Thursday, June 17, 1847.

Minutes.] Public Bills. — 1º Shannon Navigation; Naval Mutiny.

Reported. — Lunatic Asylums (No. 2); Representative Peers (Scotland); Police Clauses; Royal Marine Service.

Petitions Presented. By Sir De Lacy Evans, from Westminster, for Alteration of the Law of Registration of Voters.—By Colonel Rolleston, from the County of Nottingham, in favour of the Agricultural Tenant-Right Bill.—By Mr. Milnes and Mr. W. Russell, from Catholics of several places, for Alteration of the proposed Plan of Education.—By Colonel Rolleston, from Guardians of the Radford Union, for Repeal of the Game Laws.—By Mr. Divett and other hon. Members, from a great many places, in favour of the Health of Towns Bill; and from Members of the Cork Mechanics' Institute, for its Extension to Ireland.—By Sir C. Burrell, from William Holmes, of Brookfield, in the Parish of Leominster, for Alteration of the Highways Bill.—By the Earl of Lincoln, from General Medical Practitioners of Tuxford, against, and by Mr. Bankes, from Frederick Spencer Frost, M.D., of Portland, in favour of, the Medical Registration and Medical Law Amendment Bill.—From several places, in favour of the Railways (Ireland) (No. 2) Bill.—From George Harris and John Durant Cumming, of Stourport, for the Production of Papers respecting the Severn Navigation Bills (1837, 1838, and 1840).—From Thomas Chauntler, of No. 8, Gray's Inn Square, London, for the Production of Papers respecting the York and Lancaster Railway Bill (1846).

PORTUGAL.

Mr. HUTT inquired of the noble Lord the Foreign Secretary whether the blockade established in the South of Europe was now at an end, and our merchants might freight their ships thither without risk?

Viscount PALMERSTON said, that the blockade of the Douro had been from time to time imperfect, and therefore not binding, in consequence of the absence of the blockading vessels, which had passed the greater part of their time in the harbour of Vigo, instead of cruising off Oporto. Latterly, however, the blockade had been enforced in a legal and proper manner. The accounts from Portugal received yesterday, brought the intelligence that the Junta of Oporto had accepted the terms offered by the Government, and had sent the Marquess de Loule to Lisbon to announce that determination: under these circumstances, therefore, he hoped that the blockade had been taken off, and that the next despatches would communicate the information that Oporto might be approached by shipping as usual.

Mr. BERNAL OSBORNE was anxious to put a question upon a matter connected with the terms which had been proposed to the Junta. The noble Lord was aware that, by the second article of the conditions which were offered for the acceptance of the Junta, the Queen of Portugal pledged herself to revoke immediately all the decrees issued since the beginning of October last which infringed the constitution. It now, however, appeared by the advices which had just reached this country, that on the 6th of June a Royal decree was published in the *Diario de Governo*, by which the Queen of Portugal had suspended personal freedom, the liberty of the press, and some minor matters. He wished to know whether the British Government was officially aware of that decree, and whether they were prepared to enforce the rescinding of it by force of arms, if necessary?

Viscount PALMERSTON said, it was probable that the decree referred to by the hon. and gallant Member had been issued before intelligence of the intention of the Junta to accept the terms proposed by the Government had reached Lisbon. The despatches which brought to the British Government the information that the Junta had accepted the terms offered, came from Oporto, and were dated the 9th instant. There could be no doubt, that when that intelligence reached the Portuguese Government at Lisbon, perfect good faith would be kept with the Junta, and that all the promises made by the Queen would be rigidly fulfilled.

Mr. B. OSBORNE asked whether the noble Lord would state what course the British Government would take supposing the Queen of Portugal should not fulfil her engagements?

Viscount PALMERSTON said, it was not the practice to state what the Government would do in supposititious cases. It was sufficient to state what they had done.

Lord GEORGE BENTINCK said, that in accordance with the notice he had given, he was about to call the attention of the House to the infraction of the 1st, 15th, 17th, and 18th Articles of the Treaty of July, 1842, concluded at Lisbon, between this country and Portugal; and as the matter concerned the interests of British merchants, and concerned more especially the interests of the cotton manufacturers of this country, he trusted it would not be considered that he was unnecessarily trespassing upon the time of the House in calling their attention to this subject. It would be in the recollection of all those who had read the Portuguese papers laid upon the Table of the House, that on the 16th of November last, Mr. Southern addressed a letter to Viscount Palmerston, informing him that a decree had been made by the Queen of Portugal, which compromised the interests of British merchants. Mr. Southern wrote thus :—

> "I have the honour to enclose to your Lordship the copy of a decree respecting the forced circulation of notes of the Bank of Lisbon, which has produced extraordinary agitation and alarm amongst all classes of commercial men in this capital. Although the notes of the Bank were made a legal tender by previous decrees of the Government, still it remained open for parties dealing together to agree on the manner of payment, as to whether it should be in bank notes or in metal. The general terms fixed upon were then silver, which has a standard value, while the greatest inconvenience was experienced from the changeable price of the notes, the discount of which varied every day. By the present decree all such compacts are made criminal; and as the credit of the Bank is certainly not on the rise, the merchant is reduced to the alternative of taking payment in a paper which may shortly be valueless, or of giving up business altogether. Many loudly declare their intention of closing their establishments. The fifth clause, however, is the part of the decree which is most complained of, because of its retroactive effect. It particularly affects the British houses here dealing in cotton goods, which are sold on credit, and generally under compact to be paid in Spanish metal. Dealers will now take advantage of the decree—buying notes, which they will be able to procure at a very reduced rate—and paying metal prices in a depreciated currency."

The 1st Article of the Decree alluded to ran in these words :—

> "Any person who from any motive, or under any pretence whatever, should reject the notes of the Lisbon Bank while they have a forced currency, and may be applied to any payment or transaction, will incur, besides the penalty of transportation, to which are liable those who reject the King's money, according to the Ordinance of the Kingdom, vol. iv. chap. 22, the fine of 50,000 to 500,000 reis, for the public treasury, regulated by the judge's discretion, according to the amount of the transaction, and to the fortune of the transgressor."

To make these penalties more secure, the 4th Article of the Decree provided that—

> "No bail shall be received for the crimes mentioned in the present decree, nor will the intervention of the jury be required in their judgment."

Now, he did not seek to mislead the House into the notion that these penalties, varying from 50,000 reis to 500,000 reis, were so very enormous as to those unacquainted with the value of the reis might at first appear. The reis did not bear any analogy in value to the sovereign of this country, for it took 1,000 reis to make the value of 4*s.* 2*d.* English money, so that these penalties of 50,000 and 500,000 reis amounted respectively to somewhere about 10 guineas and 100 guineas, according to the amount of the transaction and the fortune of the transgressor. But the 1st Article of the Treaty concluded in July, 1842, at Lisbon, by Lord Howard de Walden, after providing that the subjects of the high contracting Powers should enjoy all the rights of various kinds conferred upon the subjects of the most favoured nations, went on to say that they should be entitled to dispose of all their personal, leasehold, and all other property by sale, gift, will, or exchange, or in any other manner whatsoever without the smallest let or any hindrance whatsoever; and the 15th Article ran thus :—

> "Her Majesty the Queen of Portugal engages that the commerce of British subjects within the Portuguese dominions shall not be restrained, interrupted, or otherwise affected by the operation of any monopoly."

And yet by the decree of the 14th November, 1846, a monopoly of the Lisbon bank notes was ordained. The Treaty contracted that British subjects should not be so affected by any

> —" monopoly, contract, or exclusive privilege or sale or purchase whatsoever; but that the subjects of the United Kingdom should have free and unrestrained permission to buy from and sell to whomsoever they pleased, and in whatsoever form or manner should be agreed upon between purchaser and seller."

Now, the decree to which he had alluded distinctly abrogated the 15th Article of the Treaty. It was true that, as far as regarded the retroactive operation of the decree of the 14th November, another decree was published on the 17th December, retracting so much of the decree of November as made the operation of the law retroactive; but the effect of the law was this: that as regarded all British merchants, or all British manufacturers who should have contracted to export their goods or produce to Portugal subsequent to the 16th November, and should have agreed to take acceptances at thirty days, or, as was the more common case, sixty days, or as regarded the produce of the East Indies, or of any of our other colonies, exported to Portugal—those merchants who had agreed to take acceptances upon Portuguese houses at three or six months, would find that, instead of getting a value equal and according to their contract, they would be paid, under this law, in Lisbon, notes depreciated 50 per cent—that was, 50 per cent throughout the winter; but, according to a despatch from Sir H. Seymour, dated 9th April, it appeared that they would then have to accept of payment in currency depreciated 54 per cent. By the articles of the commercial treaty concluded by Lord Howard de Walden, our merchants were entitled to buy and to sell; and to bargain and receive in exchange anything which might be agreed upon between purchaser and seller. He should have occasion hereafter, as regarded the 17th and 18th Articles, to revert to the infraction of the treaty with respect to trial by jury; but it would be remembered, that this decree was to be enforced, without giving British subjects the right of trial by jury, to which, under the 17th and 18th Articles, they were entitled. Every commercial man in the House would understand, that besides the penalty of transportation, to which every British subject had been made liable by the decree, there was a loss of 54 per cent to every British merchant, manufacturer, and traders of all kinds in Portugal at this time, who should have agreed to take acceptances upon Lisbon houses, subsequent to the 16th November last. Notwithstanding that seven months had elapsed since that communication was made by Mr. Southern to the British Government, so far as he was able to discover by reading the papers laid before Parliament, no notice whatever had been taken of it by the noble Lord opposite, or by Her Majesty's Government. The decree, however, was still in full force throughout the Portuguese dominions. He could not avoid here drawing a contrast between the gentle conduct of the Government in this matter towards the Queen of Portugal, and the energy displayed by them when the Junta had been guilty of an infraction of the rights of British subjects, or of the law of nations. He found, that on the 4th March, Colonel Johnston, the British Consul, wrote to Mr. Southern with the information that—

> "In Vianna, the authorities had seized corn for the use of the troops. They had taken a considerable quantity from Mr. Russell, an Englishman residing there, whose storehouses in Vianna they broke open."

That letter of Mr. Johnston was communicated to the noble Lord opposite, and instantly, on the 26th of March, Viscount Palmerston addressed a despatch to Mr. Johnston, which was not in the papers, but which was described in the despatch to Sir Hamilton Seymour, in which it was enclosed, as follows:—

> "Foreign Office, March 26, 1847.
>
> "Sir—I transmit herewith for your information a copy of a despatch which I have this day addressed to Mr. Consul Johnston, instructing him to warn the Junta at Oporto that Her Majesty's Government will not suffer that body to violate with impunity the treaty stipulations which confer rights and securities upon British subjects in Portugal."

Now, he asked how it happened that the stipulations of the Treaty signed by this very Queen of Portugal in 1842 had been permitted to be thus flagrantly violated for seven months together without any redress being asked for by the Government; while, when the Junta, in carrying on the operations of war seized upon the property of one individual, they instantly received notification that such infraction of the stipulations of treaties, and of the rights and liberties of British subject in Portugal, would not be permitted or passed over with impunity? So much for the infraction of the treaty as regarded the right of British merchants to deal in any way they pleased with Portuguese subjects. He should next proceed to another infraction of the treaty, to which the attention of the noble Lord had also been called by Mr. Southern, in that gentleman's letter of the 30th of December, 1846, in these terms:—

> "I have the honour to enclose a copy of a decree which has been promulgated in the official journal of this morning, by which trial by jury is abolished in Portugal.
>
> "The decree is supported in the unofficial part of the *Diario* by a declamatory article in favour of the system of legislation which formerly prevailed here, and in vituperation of the legislation and jurisprudence introduced into this country under the charter, as more in harmony with liberal institutions."

The abolition of trial by jury undoubtedly places British subjects in Portugal on a different footing from that contemplated by Articles 17 and 18 of the Treaty of 1842, and in consideration of which the British Government was induced conditionally to give up the exercise of the rights connected with the conservatorial court.

> "By this measure, and the assumption of dictatorial authority by the Queen, under the decree of 27th October last, the subjects of Her Most Faithful Majesty are put entirely at the mercy of the Executive Government."

It might not be generally known that there had existed in Portugal a court of justice for the special trial of cases in which British subjects were concerned, and called the Conservatorial Court. But by the Treaty of 1842 this court—which had existed by more ancient treaties—and the privileges it conferred on British subjects, were surrendered on condition that thenceforward all British subjects in Portugal should be entitled to trial by jury, and to all the privileges enjoyed by Portuguese subjects in the British dominions. The 17th Article of that Treaty ran thus:—

> "Her Britannic Majesty, on the representation of Her Most Faithful Majesty, and in contemplation of the improving system of law and justice in Portugal, hereby consents to give up the exercise of the rights connected with the Conservatorial Court, so soon, and so long, as British subjects are admitted in Portugal to the benefit of securities similar or equivalent to those enjoyed by the subjects of Her Most Faithful Majesty in Great Britain, as regards trial by jury, protection from arrest without a warrant from a magistrate, and examination within twenty-four hours after apprehension *in flagrante delicto*, and admission to bail. It being always understood, that in other respects the subjects of Her Britannic Majesty in Portugal should be placed on the same footing as Portuguese subjects, in all causes, whether civil or criminal, and that they shall not, except in cases *flagrantis delicti*, be liable to imprisonment without formal commitment (*culpa formada*) under a warrant signed by a legal authority."

So far as he (Lord George Bentinck) had been able to gather from the papers now on the Table, no remonstrance had been made to this second gross infraction of the Treaty of 1842, nor had any effort been made, so far as he had learned, to secure for British subjects in Portugal the benefit of the reconstruction of the Conservatorial Court. The questions, therefore, which he had to ask were, whether any steps, and, if any, what steps had been taken to secure redress for the wrongs thus inflicted on British subjects in Portugal; and what securities had been taken that in future like wrongs should not be repeated?

VISCOUNT PALMERSTON: The noble Lord the Member for Lynn has asked me two questions professing to relate to Portugal. The first refers to decrees issued by the Portuguese Government giving to the paper currency of the Bank of Lisbon a forced value equal to the regular nominal value; the second has reference to the suspension of those securities and guarantees which were established on the suspension of the Conservatorial Court. Now, with regard to the first point, without at all pretending to justify the Portuguese Government for the financial measure they have thought proper to resort to in their pecuniary embarrassments, I will take leave to say, that I am sure the noble Lord will himself admit, that the present is not the first instance on record in the history of Europe of a Government giving by law an arbitrary and forced value to paper which was suffering under great depreciation; for those who have taken the trouble of looking back to the history of our own notes, must be aware that there have been periods at which, under circumstances of commercial depression, those notes were by law made receivable at a value very different from that which, according to his peculiar free-trade doctrines, they were likely to command in the money market.

LORD GEORGE BENTINCK complained that the noble Lord had entirely misunderstood him. The hardship under which British merchants in Portugal suffered, was that, by the decree to which he had alluded, they were precluded from making private contracts in the way of their business. Though they might have contracted to be paid in ingots of gold or bars of silver, they were forbidden, under pain of transportation, and under a penalty varying from 50,000 to 500,000 reis, from receiving payment in any other shape but in that of the notes of the Lisbon bank. For such a rule of commerce as this, he contended there was no precedent whatever.

VISCOUNT PALMERSTON: I admit that the Portuguese law is remarkably stringent for its purpose; but the noble Lord should remember that these same notes are receivable by the Portuguese Government at the same rate of value as that at which private individuals are obliged to accept them. With regard to what Her Majesty's Government intended to do in reference to this matter, I may be permitted to observe, that we do not detect in the present case any special circumstances requiring us to adopt a different course from that which on similar occasions is ordinarily pursued. It is not unusual for the Government to anticipate the complaints of British merchants in foreign countries. Whenever such a complaint is made, founded on the construction of treaties, and on the allegation that such treaties have been violated to the prejudice of the party complaining, the usual course has been to refer the complaint to the consideration of the proper law adviser of the Crown; and according to his advice and opinion the Government usually act. I am not aware that any specific complaints have been made by the British merchants in Portugal in respect of the operation of the decree to which the noble Lord has referred; but in the event of any such complaint being made, the course to be pursued by the Government will be to refer the matter of complaint to the Queen's Advocate, and to ascertain from him whether it does or does not constitute such infraction of treaty as will justify Her Majesty's Government in claiming redress or compensation from

Portugal. With regard to the second point alluded to by the noble Lord the Member for Lynn, it is quite true, as the noble Lord has stated, that the 17th and 18th Articles of the Lisbon Treaty of 1842 surrendered the Conservatorial Court on condition of the establishment of equivalent securities and guarantees. Those securities and guarantees, it is perfectly true, were superseded by the decrees to which he has alluded. A case occurred in which a British subject suffered very great injustice by the suspension of those decrees; and the fact having been communicated to Her Majesty's Government, an application was thereupon made to the Portuguese Government, claiming the restoration of the Conservatorial Court. The result was, that that court was restored, and is at the present moment in existence. I did not think it necessary to encumber the House by including amongst the papers we were recently called upon to produce, relating to Portugal, the correspondence which passed between Her Majesty's Government and the Government of Portugal in reference to various matters connected with our commercial relations in that country. The House was very pressing for the production of the papers; and although a very voluminous correspondence had taken place between the two Governments on commercial matters, I thought it the better course to strike out from the papers which we were required to lay upon the Table everything which did not seem to me to have a direct bearing on the political question we were going to consider. That is the reason why the noble Lord does not find in the blue book any thing with regard to the Conservatorial Court, or the Cortes, or any thing with regard to many other minor or personal questions, on which much correspondence has taken place. But with respect to the Conservatorial Court, I have again to state that that court has been restored in consequence of a formal application from Her Majesty's Government, an application founded on the construction of the Lisbon Treaty of 1842. The court is now in existence, and will be so until all the guarantees for the constitution shall again be formally established.

MR. EWART observed, that a statement having appeared in the public prints to the effect that it was in the contemplation of the Portuguese Government to confer decorations on the British naval officers who were concerned in the recent seizure of the forces of the Junta, he was anxious to know from the noble Lord at the head of the Foreign Department whether the Government were prepared to give their sanction to such a proceeding, and to permit the naval officers of Great Britain to receive such distinctions?

VISCOUNT PALMERSTON: Notwithstanding that the hon. Gentleman did not give notice of his intention to ask this question, I can have no hesitation in answering it. It is well known that there is now in force, and has been for some time, a regulation which prevents any British subject from accepting or wearing any foreign order, unless it is granted to him for distinguished services at sea or in the face of the enemy, or unless he has been actually in the service of the foreign Power who proposes to decorate him. I have no difficulty whatever in saying that none of the duties performed by any British officers, civil, military, or naval, in the recent transactions in Portugal, could possibly bring them in any manner within the scope of the regulations permitting them to receive, or at all justifying them in receiving, any orders from the Portuguese Government.

POOR LAWS ADMINISTRATION BILL.

On the question that the Speaker do leave the Chair for the House to go into Committee on the Poor Law Administration Bill,

MR. BANKES rose to oppose the Bill at that stage, because there was not one clause in it of which he approved. The noble Lord had expressed no disapprobation of the conduct of the Poor Law Commissioners, and considered them qualified to fill office under the new Bill. ["No!"] He understood the noble Lord to have said on a former occasion that he would enter into no understanding that the same persons should not fill the newly-created offices. The noble Lord had the power of appointing them; and if he did consider them not competent, it was his duty to have taken an earlier opportunity of removing them. If the same persons were to be reappointed, he should have thought it better to have gone on in the same system, than taken an inconvenient time, at that late period of the Session, of making the change. He complained that the report of the Andover Committee had never been followed up by any Member of that Committee. He then approved of establishing a more direct representation of the interests of the poor in that House; but it was established by the Bill in a highly objectionable manner. It might have been obtained at less expense, and in a much better mode. It was now assumed that the body of Commissioners, created at first for a temporary purpose, was to be made permanent. Nobody could look at the Bill and not see that it was intended to be of a permanent character. It was quite obvious that the new arrangement was intended to be permanent. It was, therefore, a permanent system the House was called upon to consider; and, as a permanent system, he objected to it. He had on a former occasion stated something about the increased patronage which the new Bill would give; and he had been told in reply, that no increase of patronage would occur. But every one knew what an essential increase of patronage was the control of two additional seats in that House. Such a control, in his opinion, was no inconsiderable increase of patronage to Ministers. If he were asked what he had to propose in opposition to the present measure, he would say, without troubling the House with any lengthened details, that a scheme of less extent, more agreeable to public feeling, more efficient for securing the good administration of the Poor Law, and for providing effectually for the interest of the poor, would have been preferable to the present measure. It would have been better had the plan of Lord Althorp, of making the measure temporary, not been departed from; and, instead of the patronage of the Crown being increased, had an opposite system been adopted. It would have been better to have intrusted to the local authorities a greater degree of discretion and power; at the same time having a central committee in the metropolis, and a Member of the Poor Law Commission in the House, immediately connected with the Home Office, who would, in his opinion, have proved a more efficient public officer than the contemplated new Board. The new Board was to be formed on the principle of the Board of Control. Undoubtedly the system of the Board of Control had worked well for India; but that was no reason for adopting the same system for England. The old system was devised by Sir Matthew Hale, and established a cheap local administration; it was because they did not trust the local authorities that these difficulties had occurred. The Board sitting in London did not know how their regulations worked in the country. Similar cases to those which had occurred at Andover would have been discovered elsewhere, had there been efficient superintendence and proper investigation, or, if, on the other hand, a wider discretion and a more direct power had been vested in the local officers. He did not deny that the general principle of the law was most humane, and that it had been carefully framed by most benevolent men; but the central control was inefficient, and, in consequence of its inefficiency, had disgusted all parties. He desired to maintain the law as had been originally intended; and, to relieve it from its present unpopularity, he called upon the Government to discontinue altogether the existing administrative system. He considered that they might safely invest a greater discretion in the local guardians; and, admitting of appeal to a central power in cases of necessity, they might, in this way, establish a system which would work as well, and with as excellent general effect, as the system of magistracy. He hoped that the noble Lord would be content with one seat for the Commission; no one would grudge that; and with this check upon local abuses the administration of the law would be carried out satisfactorily to all parties. Under the circumstances he thought it would be much better if the present system were continued until another Parliament had assembled. There would be many advantages if Members came to the consideration of the question fresh from their constituents; and if it was now at once understood that a proper remedy would be applied, the unpopularity which at present attached to the law would pass away. They could not hope to make the administration of a Poor Law popular so long as they refused to adopt a system different from that hitherto pursued. He regretted that a measure deserving of support, should, for this reason, have been met by general aversion; but as the question stood, he must object to the Speaker leaving the chair, and to the further progress of the measure. He begged to move as an Amendment that the House go into Committee that day three months.

Captain PECHELL thought the noble Lord would best attain the object he had in view, of bringing the debate to a conclusion that night, if he gave the House the assurance that when the Bill had passed, no one would have to complain of the employment of the men who, in the situations they had held, had proved themselves so utterly unworthy of the confidence reposed in them. So much the country had anticipated from the Government; and he regretted to say, that there seemed a chance of everybody being disappointed. What was the reason the hon. Member for Andover had refrained from bringing those resolutions which had so often been the subject of conversation before the House? Why, he believed that the noble Lord would propose a complete change in the administration of the law. It was, however, gratifying to find, from what had been said by the right hon. Gentleman the Secretary of State for the Home Department, that, whatever arrangement was made, they would get rid of two at least of these men. The Commissioners had been proved, in numerous instances, to have grossly neglected their duty; in no one case had a Chief Commissioner made himself acquainted with the practice and system pursued by the country authorities; and that, it might be concluded, was one of the reasons which had led the noble Lord to the conclusion that the present management was ineffective and unsatisfactory. A Chief Commissioner had been asked if he thought it expedient, on the appointment of an assistant commissioner, to hold out the hope of promotion; and his answer was, "No; except it be on the ground that, in the course of his duty, he had visited and become acquainted with the practices of boards of guardians." This was certainly a very important point; and he trusted that in the bestowal of patronage under this Bill, the noble Lord would take care that no Commissioner was appointed who had not fully informed himself of the manner in which the law was carried out by the local authorities. If this were the only argument that could be urged against the reappointment of the present men, it should be sufficient to disentitle them to the confidence of every Member of the House. He had seen in the newspapers, that in one county — he thought in Wales — a Poor Law Commissioner was offering himself as a candidate to stand at the approaching general election: this was a conclusive intimation of what was expected; and unless the Government could distinctly state to the House that none of the men now in office would be appointed, they would have to make up their minds to encountering the most energetic opposition to the Bill. After the evidence furnished by the investigation of the Andover Committee, it could not be satisfactory to the country to see the existing arrangements continued. This Bill was to perpetuate the power of the Poor Law authorities for five years. He agreed with the hon. Member for Dorsetshire, that this was one of those subjects which should be left to the deliberations of another Parliament; and the noble Lord might be assured that there would be such an infusion of new opinions, though not to the extent contemplated by the hon. Member for Knaresborough (Mr. Ferrand), that he would find himself compelled to adopt a much more comprehensive change than that now proposed. The hon. Member for Dorsetshire had not merely opposed this measure, but had suggested the substitute. He (Captain Pechell), if asked what he thought would be a better system, would reply that the Act of George III. would be the most advisable arrangement, if adopted throughout the country. There were many towns and parishes in this kingdom which could do very well without any central control; and there were places incorporated under Gilbert's Act, which were never under the necessity of appealing to the Board here. The hon. Member for Dorsetshire expressed the opinions of a great proportion of the agricultural community respecting this question; and he trusted that in the progress of the Bill, some effort would be made to the amend it in conformity with his views. If he (Captain Pechell) succeeded in getting rid of the present men, and in modifying in certain cases the central control, he should gladly give his support to the noble Lord; but, under the circumstances, he could not but think it a very salutary precaution to limit the operation of the Bill to a period of three years. If, however, the noble Lord was desirous of carrying the Bill, he could not too soon pledge his word that the next Poor Law Commissioners should not be suspected men, and that they should be men who had manifested that interest in the condition of the poor which could alone qualify them for so important an office. He distinctly objected to the reappointment of the present men. He thought that perhaps the gentlemen who had some years ago officiated in the department of the Poor Law Commission, might again with great propriety be intrusted with those very responsible functions; and he might say, he was sure, with the concurrence of the House, that there had never been an abler Poor Law Commissioner than Mr. Lefevre, the relative of the Speaker. In his opinion, the greatest care ought to be taken in the selection of the gentlemen upon whom would have to depend the due administration of any law for the poor; and he did not think the noble Lord could hope to make any system popular if administered by the present Commissioners.

Mr. W. MILES must say, that nothing which had taken place since the last discussion on this subject had altered his mind with regard to it; and he regretted that his hon. Friend the Member for Dorsetshire (Mr. Bankes) had seen it his duty to raise the present debate, rather than allow the Speaker to leave the chair. The hon. Gentleman who last spoke had expressed a wish that none of the present Commissioners should be permitted to hold office under this measure; and he had, in expressing that opinion, referred generally to the conduct of those Commissioners. Perhaps he would be allowed on the present occasion to direct the attention of the House to the case of Mr. Chadwick—a gentleman he had known for sixteen years, who, he believed, had ever acted honestly and consistently in the discharge of his duties, and who had faithfully endeavoured to carry out those principles, of which he had ever been an advocate, in relation to the support of the poor. He believed there was no man possessed of a more independent mind than Mr. Chadwick; and he naturally felt himself injured by those imputations which had been thrown out against him in that House, not only by the noble Lord (Lord J. Russell), but by the right hon. Gentleman the Member for Dorchester (Sir J. Graham). Mr. Chadwick had complained to him of those imputations; but Mr. Chadwick begged him not to bring the question before the House unless he found it necessary for Mr. Chadwick's vindication. That morning, however, he had received a communication from Mr. Chadwick, stating that he was determined to bring the question under the notice of Parliament, and asking him to lay a paper which Mr. Chadwick had transmitted to him before the House, as a defence to the charges brought against him by the noble Lord and the right hon. Baronet. He asked Mr. Chadwick to send him a copy of the particular expressions used in reference to him both by the noble Lord and the right hon. Gentleman, to which he took exception; and accordingly Mr. Chadwick had sent him extracts from the report in the *Times* of what had fallen from those distinguished individuals. After reading these passages, he would give to the House Mr. Chadwick's statement, corroborated by a communication from Mr. Nicholls, who was himself a founder of the present system—the only one now in the Commission—and whose testimony therefore, in exculpation of Mr. Chadwick, the House could not but regard as exceedingly valuable. [Here the hon. Gentleman began to read that part of Lord J. Russell's speech, on the second reading of the Poor Law Administration Bill, in which he spoke of Mr. Chadwick having secretly countermined his official superiors.]

Mr. SPEAKER interrupted the hon. Member, and said, it was contrary to the rules of the House to read the speech without the permission of the House.

Lord J. RUSSELL had no objection to the hon. Member making any explanation he thought proper on the part of Mr. Chadwick; but certainly it was not according to the rules of the House to read a speech which he had formerly delivered.

Mr. MILES begged pardon of the House for his breach of order; but he had thought that no objection would be taken to his reading a communication sent him by Mr. Chadwick in vindication of his conduct from charges made against him in that House. He would, however, give to the House the statement made by Mr. Chadwick himself. That gentleman said—

"No previous charge having been preferred, no authentic complaint having been heard of, a gentleman engaged in the public service suddenly and without notice finds himself arraigned on charges which, if preferred at all, should have been preferred in a proper manner—of having secretly countermined his official superiors—of having preferred groundless charges against them—and of having thwarted them in the execution of their duty, and of having done so from personal disappointment. Now, to all these charges you have my authority for giving a direct negative. In the first place, I have had no opportunity of preferring any charges against them. I was simply examined as a witness on charges preferred by others. In respect to the charges of countermining my superior officers, I beg of you to read the letter of the Senior Commissioner." [This letter he would afterwards read to the House.] "I have had, from time to time, to remonstrate against the measures of the Commissioners; but these remonstrances I have preferred officially and in form; and every representation I made was affirmed. I appealed to Lord John Russell against proposals made by the Commissioners to extend the allowance system, and my appeal was affirmed. I wish particularly to state that my complaints have always been of measures rather than of persons. The larger remonstrances were made in 1835, 1837, and 1841; and, therefore, no disappointment in 1841, as Sir James Graham imputes, could have been the motive to acts begun in 1837, and earlier. Until I was called away from other business, by the request of Mr. George Lewis, to interpose in the Andover case with Mr. Parker, for the omission of a passage in his statement which might wound the feelings of Sir Edmund Head—until, indeed, I was afterwards compelled to speak as a witness to the character and conduct of officers who have been pronounced to be harshly treated, and to speak to the general circumstances out of which the injury arose, every representation I made, every opposition, as it is called, was as to some measure calculated to injure the law, and eventually to discredit the Commissioners; every measure I proposed would have gone to their credit, and those adopted that I did propose have gone to their individual credit, not to mine; that the leading reports, circular letters, and instructions, which largely facilitate and govern the public service in the administration of the law, sometimes bore the names, and always went to the public credit of the Commissioners, and not to mine; and that all those for which they have taken credit were initiated, laboriously prepared, and urged by me, until they were finally adopted. Circumstantial evidence will negative every imputation."

Such was the letter he had received from Mr. Chadwick. He would now read, first, a letter addressed by Mr. Chadwick to Mr. Nicholls, and then that gentleman's answer:—

"May 25, 1847.

"My dear Sir—I have now acted with you nearly fourteen years in the public service under the Poor Law Commission. You have had under your observation the whole business of the Commission from the commencement to the present time, except partially during your absence in Ireland; and you have, therefore, seen more of my course of public service and conduct in it than any other member of the Commission. Circumstances have arisen which appear to render it necessary to ask of you to state of your own knowledge your view of that conduct. I beg of you to review the whole, and more especially the occasions on which I may have differed from you, or opposed your view or the views of the Board on any questions; and I would ask of you, whether I have pursued that opposition in a manner eventually to obstruct the public business? Whether, when asked to do anything in which I might not agree, I ever concealed my opinions, or you found reason to suspect that I secretly thwarted or consulted against directions? Whether I have ever appeared to oppose or not to support a public measure from private disappointment, or evinced any desire to thwart or depress the labours of others from unworthy personal motives—in short, whether you have experienced towards yourself, or observed towards others, conduct on my part such as to lead you to decline my private friendship, or make you object to act with me for the future?—I remain, my dear Sir, very truly yours,

"EDWIN CHADWICK."

The following was the Senior Commissioner's answer:—

"17, Hyde Park Street, May 27, 1847.

"Dear Chadwick—I yesterday received your letter dated the 25th instant, in which you ask me to bear testimony to what I have myself seen of your conduct during the period we have acted together in the Poor Law Commission, and to state whether, in cases where you have differed from myself and colleagues, you opposed us in a way to obstruct the public business? Whether I ever had reason to suspect you of secretly thwarting or caballing against the directions of the Board, or opposing public measures from private or unworthy motives? And whether your conduct generally was such as would induce me to decline your private friendship, or object to act with you in the public service? To each of these questions, I answer in the negative. I have differed with you in opinion, as men of independent thought will occasionally differ; and on the question as to the mode of transacting the office business, of which so much has been said, you know I always thought you wrong; but I never saw reason to doubt your sincerity or the integrity of your motives in anything which you advocated, however different the view which I myself took of it. I may further add, that I have always felt great respect for your character and talents, and highly estimate the benefits which you have been in no slight degree instrumental in conferring upon the community, not only with respect to the New Poor Law, but likewise as regards other measures, affecting the welfare and improved condition of the people, to the furtherance of which you have with so much zeal and ability devoted yourself.—I am, dear Chadwick, sincerely yours,

"GEORGE NICHOLLS."

Having read these letters, he must say that he knew of no other mode in which Mr. Chadwick could have come forward in answer to the imputations which had been thrown upon him. Mr. Chadwick knew not on what grounds these accusations had been made, but had taken them as he had been able to collect them from the public prints, and laid them before that gentleman who had been longest in the Commission, and who had the greatest experience of any of the Commissioners; and Mr. Chadwick left it to the House to judge whether that gentleman had not borne out the denials which Mr. Chadwick had given to the imputations cast upon him. Mr. Chadwick wished these exculpations to be laid before the House, as he considered his good fame injured by the representations which had been made. Mr. Chadwick made no charges against any one, as he was only actuated by a desire to vindicate his individual character. As to the measure before the House, he (Mr. Miles) must say that, considering the feeling which pervaded that House regarding the present Commissioners, he scarcely thought it possible that that Commission could have been longer continued. He did not bind himself to all the details of the Bill; but of this he was certain, that the principle of having a responsible Minister in that House to answer immediately questions and complaints that might be brought forward, was one of equal necessity and importance. This system would be infinitely superior to the present, when nothing could be ascertained without lengthened communications being carried on between the Ministers and the Commissioners; and he was sure that the change would give great satisfaction to the public.

LORD J. RUSSELL: After what the hon. Gentleman who has just sat down has stated, perhaps I may be permitted, without entering into a renewal of the discussion on this Bill, to state what is my impression with regard to the conduct of Mr. Chadwick, who has been referred to by the hon. Gentleman. I have no reason to question the ability of Mr. Chadwick. On the contrary, I greatly respect his ability, and estimate, perhaps, more highly than any other man, the report he made as one of the Commissioners of Inquiry into the subject of the Poor Law, and which conduced perhaps more than the reports of any of the other Commissioners to the establishment of the Poor Law as it now exists. Neither do I mean to question the general respectability of his character; but I did question the propriety of his conduct with respect to the Poor Law Commissioners, whom he was appointed to serve as Secretary—I did question the propriety of his conduct both as regards those Poor Law Commissioners and the Secretary of State. That opinion was formed, not from any representations made to me, as Mr. Chadwick seems to suppose, but from the evidence given before the Andover Union Committee, and more especially the evidence of Mr. Chadwick himself. Let us consider what was the position of Mr. Chadwick. He was Secretary to the Poor Law Commissioners. He was appointed to carry into effect their orders; and he was bound to represent to them and to the Secretary of State any facts which came to his knowledge, or any doings or measures of theirs that he thought at variance with the provisions of the law, and which prevented, in his opinion, the relief of the poor in the manner which the law intended it to be carried into effect. Now, with regard to measures which he thought would be generally injurious, I must say that I agree with what Mr. Chadwick has said, that more than once he did represent that certain courses of conduct on the part of the Commissioners would lead to abuse; and in one instance of considerable importance, after hearing all he had to say, and after hearing the representation of the Commissioners, I decided in favour of the view taken by Mr. Chadwick. I desired the Commissioners to reconsider their opinion on that subject, which they did, and ultimately they concurred in the view taken by Mr. Chadwick. But the statement made by Mr. Chadwick related to what I consider a very different matter—not as to whether there was a right judgment or a wrong judgment on the part of the Commissioners in particular cases, but whether they were conscientiously fulfilling their duty of listening to every case of abuse laid before them, and proceeding to consider it steadily, and applying such remedy as the case might require. Now, I found my statement on Mr. Chadwick's answers to questions put to him before the Andover Union Committee. Mr. Chadwick, in answer to the 19,042 question that was asked, says he thought that certain representations made by Mr. Parker to the Commissioners would put them in such a state as to require action, and added—

> "I think I may have said to him 'All this may be very true; but still it will not be well received, and will excite displeasure.'"

In answer to the second question further on, he says,

> "When I have had a general conversation with him about the state of his district, and he has represented to me that this or that illegal practice was spreading very much, and when he stated to me that he intended to make representations of them, on those occasions I have told Mr. Parker, or intimated to him, although this may be all true, yet the shape in which you put them, which imputes blame for not acting upon them, will not be pleasant or well received."

By the 19,047th question this inquiry is made of him:—

> "These were representations made by Mr. Parker of an abusive and illegal practice, which he forced on the Commissioners' notice; and you warned him that such a mode of proceeding would be likely to give displeasure?"

To which he replied—

> "I warned him that it would not be well received; I did not warn him to this with any recommendation that he should not prefer them, but that he would gain no favour by preferring them, but rather a painful duty. I had expressed some opinion to that effect."

A good deal further on, in the 19,129th question, Mr. Chadwick was asked—

> "Is it your opinion that the assistant commissioners have not improved their position with the Poor Law Commissioners by representing strongly abuses and violations of the law?"

He replies—

> "I should not say that of the whole of them; I should say that of some of them. That is the feeling in the office, that representations of that sort, importing an obligation to act, are distasteful and not well received."

He then is asked—

> "What do you mean by the feeling of the Office; do you mean the feeling of the assistant commissioners?"

And he answers—

> "Yes, that is the feeling prevalent amongst assistant commissioners, and stated to me by them in answer to my complaints or representations to them of particular instances of an apparent relapse or relaxation of the progress of the law towards amendment. It was stated to me by three of the assistant commissioners, if not four or more, that the reason why they had ceased to make representations of abuses which they knew to exist was, that the representations which they had made did not give satisfaction."

These answers convey to my mind a charge against the Commissioners—not a charge that they were men incompetent to perform their duty, or who had formed an erroneous estimate of what their duty was—but a charge that they were men who declined to examine into cases of abuse, who wilfully shut their eyes to abuses, and even illegal practices going on, and who visited with displeasure and disfavour assistant commissioners who made representations to them of the existence of such abuses. Now, I consider this a very grave charge against the Commissioners; and I say that if such was the opinion of Mr. Chadwick, their Secretary—if he believed this charge to be true, he ought to have made it a matter of complaint. If he did not believe the charge, then, when the assistant commissioners related the existence of abuses, he ought to have endeavoured to dispossess their minds of any impression as to their being open to the displeasure of the Commissioners, and ought to have said to them, "Go and make your representations to the Commissioners—they are bound to listen to you, and to take steps to reform those abuses of which you complain." This was the course he should have taken if he did not believe the charge; but if he thought they wilfully shut their eyes to such complaints, then he should have gone to the Secretary of State and said, "I can no longer stay in an office in which the Commissioners neglect their duty, and wilfully refuse to hear the complaints that are made to them of abuses and illegalities." That was the course which Mr. Chadwick ought to have taken; and I say that the practice of telling assistant commissioners that if they made complaints they would be regarded with displeasure, I do call that undermining the Commissioners appointed to carry out the Poor Law Act. I am sorry that I am bound to state that such is my impression. It is not taken, as I have already said, from any representation made to me, but from Mr. Chadwick's own evidence. I again say that I do consider Mr. Chadwick a very able man. I do not impute such conduct to any particular motive. It is for him to explain his conduct; but at the same time I do think the effect of that conduct was such as to injure and destroy the efficiency of that body of Commissioners whom he was appointed to assist and serve as Secretary. As to the measure before the House, and the debate which has been raised upon it by the hon. Member for Dorsetshire, I must say that that measure was fully discussed on the second reading, and that every objection which could be urged to its principle was decided upon by the House by a majority of 218 to 42; and, after that decision, I do not think it would be courteous to those who formed that majority to enter upon a full discussion of the question again. I shall be ready in Committee to defend any of the clauses to which exception may be taken; and I really hope the House will now consent to go into Committee on the Bill. If anything further is said as to the case of Mr. Chadwick that will tend to remove the impressions I have formed, I should be happy to state it to the House; but I am sorry to say that the explanations given to-night have not removed the impressions I had formed on the subject.

Sir J. GRAHAM: I am anxious to say a few words on this subject; but in the state of public business, and considering the time that has already been bestowed on this question, it would be unpardonable in me were I to enter at any length into the case, especially as I had an opportunity on the second reading to speak in favour of the measure. In passing, I may observe that I was somewhat struck by an observation that fell from the hon. Member for Dorsetshire as to the constitutional question of discussing a question of this kind in an expiring Parliament. It appears to me that the severest test you can apply to this measure is, that it should be discussed in an expiring Parliament, and within a few weeks of our going before the constituencies. If any measure of Government can be made to undergo strict scrutiny, this is the very moment, of all others, when that scrutiny is likely to be made. I should be sorry if anything fell from me in the former debate which evinced any feeling or desire to disparage the merits of Mr. Chadwick. I have a sincere respect for the character of that gentleman; I think highly of his abilities, and I believe that upon many occasions he has rendered public services. But with respect to the Poor Law Commission, I think his position was an unfortunate one, and I think he was thereby betrayed into errors. I was Secretary of State in 1841; at that time Mr. George Lewis was the only Poor Law Commissioner resident in this country; Mr. Nicholls was in Ireland, and Mr. George Lewis discharged all the duties of the Poor Law Commission. I consider it quite unnecessary to refer to the misunderstandings which occurred before Mr. George Lewis was appointed to the Commission; but I think that any one who reads the evidence taken before the Andover Committee will find ample proof of serious misunderstandings between Mr. Chadwick and the immediate predecessor of that Commissioner. I believe that the appointment by Lord Melbourne of Mr. Lewis to be the successor of his father, was displeasing to Mr. Chadwick; and I found, when I came into office, there were misunderstandings between the Commissioner and Mr. Chadwick. It soon became necessary to recommend to Her Majesty to appoint an additional Commissioner; and, exercising my judgment in this matter as fairly as I could, I thought it, on the whole, better to recommend an assistant commissioner, and not Mr. Chadwick, to the vacant Commissionership. But I fear that this decision on my part, as well as that of Lord Melbourne, in passing over Mr. Chadwick, was most displeasing to that gentleman, and the misunderstandings between him and Mr. Lewis extended to the interruption of the good understanding between him and Sir E. Head, the second Commissioner; and from that time, during the whole time I was at the Home Office, there were deeply-seated misunderstandings between the Commissioners and their Secretary, which were injurious to the public service. It might be asked, why the power was not exercised by dismissing Mr. Chadwick? I think it right to state, that on very many occasions I felt that the opportunity of employing Mr. Chadwick was most advantageous to the public service; that many inquiries were conducted with very great ability by him; and that the duties entrusted to him were discharged to my entire satisfaction and with great benefit to the public service. Then came the Andover inquiry; and I must say I think that the misunderstandings which had occurred between the Commissioners and Mr. Chadwick did give a colour to the evidence of Mr. Chadwick against the Commissioners under whom he was serving. I do not think that the continuance of Mr. Chadwick under this particular Commission would be advantageous to the public service; on the other hand, I must say that the loss of his services to the public would be a serious loss, and I am sure that in some other situation, apart from the causes of these disagreements, and even a superior situation, Mr. Chadwick would be most usefully employed. I should be sorry if anything I have said should be injurious to that gentleman. I think his services have been most important, and I trust that his claims will be considered by Her Majesty's Government. But in connexion with the Commission, I think his continuance not advisable, and that it would be most to the advantage of the public that an entire change should take place. With respect to the question immediately before the House, I hope the hon. Member for Dorsetshire will not think it necessary to divide the House.

VISCOUNT COURTENAY felt called upon, as Chairman of the Committee on the Andover Union, to express his opinion—not on the Bill before the House, of which, however, he approved, but with regard to the other subject which had been introduced. As the name of Mr. Chadwick had been introduced with reference to the evidence he gave before the Andover Committee, he was anxious to do what justice required. He was bound to say that nothing had been said or done by Mr. Chadwick which gave any ground for an impression on the minds of the Members of the Committee that he was taking any underhand advantage against the Commissioners, or anything unfair on his part towards those under whom he was acting as Secretary. The evidence taken before that Committee to which the noble Lord had referred was of a most voluminous character; and he believed the examination of Mr. Chadwick extended to four days, and a great variety of matters were gone into, and he underwent a most searching examination; and the result of this full inquiry was, that, unfortunate as the original position of Mr. Chadwick was with regard to the Commission under which he was placed, and in circumstances of great difficulty, his conduct throughout had been marked with fairness and an anxiety to do his duty, and to carry out and act upon the sound principles of poor-law administration. If Mr. Chadwick had abstained from bringing before those under whom he acted, those matters which he conceived to be abuses, and only for the first time brought them forward as a case before the Committee on the Andover Union, then his conduct would have been justly open to the imputation; but when that Committee received evidence that Mr. Chadwick had brought a manifest abuse under the notice of Sir F. Lewis, and on a subsequent occasion another case of the same kind before Mr. G. Lewis, and which had not been attended to, and when the object he had in view was submitted to the Andover Committee, he was at a loss to see any ground for the charge of unfairness. It had been stated by the noble Lord, that the principal ground on which he rested his charge against Mr. Chadwick was, that he might fairly be charged with undermining his superiors, by stating that certain assistant commissioners had made complaints of illegalities and abuses which existed under the administration of the Poor Law: but no notice was taken of these complaints, and that he recommended the assistant commissioners to make no further complaints of the kind. The question was, whether Mr. Chadwick was justified in saying to Mr. Parker that if he made complaints they would not be well received. He would not say whether the evidence taken before the Committee bore out this charge; but it was distinctly stated by Mr. Chadwick, in his evidence, and he named three or four assistant commissioners who had made such statements of abuses to the Board, but which had been unfavourably received. He admitted that Mr. Chadwick had not reported these cases to the Secretary of State for the Home Department for the time being; but he (Viscount Courtenay) did not think that they could bring a charge against him on this account, after what had been described to have taken place. He had now some personal acquaintance with Mr. Chadwick, but previous to the Committee of the Andover Union he did not know him. From all that he had since seen of him, he felt bound to state that Mr. Chadwick was entitled to his respect. Tested as the evidence of that gentleman was by a very fearful cross-examination, and confronted as he was by those against whom his evidence might appear to bear, the impression on his (Viscount Courtenay's) mind at the time was—and this had been confirmed by a reperusal of the evidence that morning—that there was nothing in Mr. Chadwick's evidence which could justify the view which seemed to be taken by some hon. Members, that there had been a degree of unfairness on the part of that gentleman to his official superiors. He should not have felt it to have been an act of justice to have abstained from saying so much with respect to a man undoubtedly of great ability, and who had manifested the greatest energy and anxiety to promote sound principles in the administration of the Poor Law, and to do all in his power to advance the sanitary condition of the people, and to improve the moral and physical well-being of the labouring classes.

MR. CHRISTIE could not help expressing his satisfaction at what had fallen from the noble Lord who had just sat down. With respect to what had fallen from the noble Lord at the head of the Government, he was sure that that noble Lord was the last person who would willingly be guilty of an injustice to another person. The noble Lord's opponents had always admitted the perfect fairness of his conduct; but still after the expression of the grounds of the noble Lord's opinion, he felt the noble Lord had not done justice to an individual in the conclusion he had arrived at in this case. He considered that Mr. Chadwick was fully justified in the course which he had taken. All accounts agreed that what he did went to this extent, namely, that he felt called upon to warn certain assistant commissioners with whom he was on terms of friendship not to present complaints in a particular form to the Board. In doing this he merely cautioned them not to put their complaints in such a way as would throw upon the Poor Law Commissioners the necessity of action; for if this were done, it would injure the assistant commissioners in the estimation of the Board. He did not think that any imputation remained on Mr. Chadwick as to his advising the assistant commissioners to abstain from making complaints. The noble Lord at the head of the Government seemed to think that Mr. Chadwick should have made his complaints at the Home Office. Now Mr. Chadwick had on other points made complaints to that department, which had not been attended to; and therefore he could not be blamed for not placing himself again in what must be considered an invidious position. The House had heard the late Secretary for the Home Department state that Mr. Chadwick, in the course which he had pursued, had acted under feelings of personal disappointment. The right hon. Gentleman seemed to consider Mr. Chadwick as a disappointed man, because he had not been made a Commissioner. The right hon. Gentleman had given an explanation of the impression on his mind which he stated on the second reading of this Bill; and on the present occasion he had done justice to the great services rendered to the public by Mr. Chadwick; but he still seemed to be under the impression that Mr. Chadwick was labouring under feelings of disappointment, and that these had influenced him in his conduct towards the Commissioners. If the House and the country would consider the whole conduct of Mr. Chadwick, and the explanations he gave before the Committee, they would be induced to believe that the treatment he had met with would justify feelings of disappointment on his part; but there was nothing to show that any feelings of this kind actuated him in his conduct towards the Commissioners. When the public looked to the services which Mr. Chadwick had rendered in connexion with the poor-law administration, they would duly estimate the important influence that that gentleman had had in bringing forward a change in the laws. The noble Lord at the head of the Government had alluded to the valuable report of Mr. Chadwick when one of the assistant commissioners appointed to inquire into the operation of the Poor Laws. In consequence of that report, Mr. Chadwick was invited to take, and took, an active part in the preparation of the general report presented to Parliament by that Commission. On the portion of the report prepared by Mr. Chadwick, he felt that he was justified in saying that the Poor Law Amendment Act was mainly founded. He repeated, he believed that a great portion of the enactments of that measure, and certainly the most important portion of them, were founded on Mr. Chadwick's part of the report. When Lord Brougham moved the second reading of the New Poor Law Act, in the House of Lords, he took the opportunity of making particular mention of the Commissioners by whom the Bill was prepared. On the 21st of July, 1834, after having spoken of some of the Commissioners with whom he was personally acquainted, he proceeded to say—

> "Most of them I before knew, but Mr. Chadwick I never had seen, nor have I now more than once or twice; but I confess I have risen from the perusal of his papers—admirable in all respects for excellence of composition, strength of reasoning, soundness of judgment, and all that indicates the possession of every species of talent—I say I have risen from the perusal with a degree of admiration that I find it difficult either to suppress or to describe."

When that Bill became law, Mr. Chadwick was appointed Secretary to the Board, where, according to the right hon. Gentleman, he was placed in an unfortunate position. Certainly, after the part taken by Mr. Chadwick previous to the passing of the Act, he might have some reason to anticipate that he should be made a member of the Board of Commissioners, instead of being appointed to a subordinate office. On this ground, certainly, there was a reason for a feeling of disappointment, if, however, he really did entertain such feeling. Subsequently, two vacancies had occurred in the Board of Commissioners, one of which was filled up by Lord Melbourne, and the other by the right hon. Gentleman. Two gentlemen had been appointed to those vacancies, of whom he might have said, previous to the Andover inquiry, that better appointments could not have been made; but it must not be forgotten that both Mr. George Lewis and Sir Edmund Head were comparatively new to the administration of the Poor Laws; and therefore there must be same allowance made for Mr. Chadwick, if some feelings of disappointment existed in his mind at the appearance of two gentlemen at the Board who were ignorant of the administration of the Poor Law, in comparison with himself. The right hon. Gentleman said, that when he became Secretary of the Home Department, he found the greatest differences of opinion existing as to the administration of this law between Mr. Lewis and Mr. Chadwick; and that this state of things continued all the time he was in office. The right hon. Gentleman held that office for five years; and during the whole of that time he was aware of the existence of this misunderstanding, which he stated he believed to have been injurious to the public service. The right hon. Gentleman also said, that he did not feel justified in dismissing Mr. Chadwick. [Sir J. GRAHAM had not the power of dismissing: it rested with the Commissioners.] But the right hon. Gentleman was consulted on almost all subjects by the Commissioners, and no doubt had had conversations with them on the subject. [Sir J. GRAHAM, had he been consulted, would not have advised the dismissal of Mr. Chadwick.] He must then suppose, that with such misunderstandings existing, which the right hon. Gentleman described as having been most detrimental to the public service, still he would not have advised Mr. Chadwick's dismissal. Now, from this the only inference that could be drawn was, that the conduct of Mr. Chadwick had been such as to fully justify his being continued in the situation which he held. He was sure that no dismissal of Mr. Chadwick could have taken place before a full inquiry had been made into the conduct of that gentleman; and he was convinced that if such inquiry had been instituted, that the result would have been that those to whom the inquiry had been entrusted, would have arrived at the conclusion that justice had not been done to Mr. Chadwick. He exceedingly rejoiced at the testimonies borne that night to the conduct of Mr. Chadwick, as regarded the zeal and ability which he displayed in the public service. He would say no more on this part of the subject; but he was anxious to say a few words with reference to a personal attack made on himself on a former occasion. The hon. Member for Wolverhampton, on the second reading of this Bill, made some observations on his conduct, with reference to the proceedings before the Committee on the Andover union. There was one specific statement made by the hon. Gentleman with respect to which he was glad of an opportunity of alluding. The hon. Gentleman had said, that he (Mr. Christie) had put a question during that inquiry to Sir Frankland Lewis, the late Chief Poor Law Commissioner, as to his private affairs. Now he asserted this statement was untrue: he saw before him the noble Lord the Member for Devonshire, and the hon. Member for Oxfordshire, who were Members of that Committee; and he would appeal to them as to whether he were not correct in his statement, that he had never put any question to Sir Frankland Lewis as to his private affairs. He was aware of the question and answer alluded to by the hon. Member. The question was, whether the witness could explain the circumstances under which Mr. G. Lewis was appointed to succeed him. He saw from the commencement of the answer that the witness misconceived the nature of his question. He, therefore, had the room cleared, and explained to the Committee that he did not wish to put it to Sir Frankland Lewis without explaining it to him, as to its not being necessary to go into any statement of his private affairs. The right hon. Member for Shaftesbury was in the Committee-room at the time, and no doubt recollected his stating that any explanation of the kind on the part of Sir Frankland Lewis, was a matter for his own private consideration. He was glad the hon. Member for Wolverhampton had afforded him an opportunity to remove any misconception which might have existed. He was sure that every Member of that House who had at all watched his conduct, would readily admit that there could be no wish on his part to wound the feelings of any gentleman; and, above all, of a gentleman so much older than himself, and whom he was bound to respect from his long public services. As for the zeal manifested on the former occasion by the hon. Member for Wolverhampton, he (Mr. Christie) would not be guilty of the bad taste to reply to that which he now knew to have been a laboured attack on himself. This conduct on the hon. Member's part could easily be accounted for. He might state—and he trusted that it would go forth to the public—that the hon. Member for Wolverhampton was the brother-in-law to one of the Commissioners, namely, Mr. G. Lewis. This accounted for the bitterness manifested by the hon. Member, and went a great way to excuse it. This, no doubt, induced the hon. Member to speak with the indignation which he did on this subject; but he felt if the hon. Member on any future occasion indulged in opprobrious language towards him, either in his presence or absence, that he should be justified in taking no notice of it.

Mr. VILLIERS said, that the hon. Gentleman who had just sat down had complained of the language used by others towards himself; but before he made that complaint, he should learn to be cautious himself in what he said. The hon. Member had appealed to the character which he had established for himself in that House; and he seemed to rely upon it, in answer to what he (Mr. Villiers) had said of him. He (Mr. Villiers) did not know to what part of his career in that House the hon. Gentleman referred, to serve him in this respect. He felt bound to say, that he considered that if there was one man in that House more likely to do what was objectionable, who was less guided apparently by the rules that influenced Members in their conduct towards each other, it was the hon. Member for Weymouth. He did not say this rashly. He had only to recall to the recollection of the House what was done last Session by that hon. Member to support what he said. The House would remember the course the hon. Member pursued in bringing forward the case of Mr. Parker, when, as one of his points, he read the private memorandum made by his client of a private conversation which had taken place between himself (then in the service of the Government) and the Secretary of State, of which memorandum, or his intention of reading it, no notice had been given to the Secretary, whose conduct he was assailing, nor had it been verified or shown to a third person, who had been present on the occasion, but he used it as an argument to show the bad faith of the Secretary towards his client.

Sir J. GRAHAM: I hope the hon. Member will allow me to interrupt him for a moment. I think that in referring to that matter now, he cannot be aware that the hon. Member for Weymouth, on a former occasion, expressed his regret that he had acted inadvertently in the manner stated by the hon. Member for Wolverhampton, and that he made me a most handsome apology. I then said that the circumstance was for ever obliterated from my recollection, and that I should never refer to it. I am sorry that the hon. Member for Wolverhampton was not aware of that explanation; for I am sure that if he were, he would not now have reverted to the subject.

Mr. VILLIERS had not altogether forgotten what the right hon. Gentleman was referring to, and was indeed coming to it, when he was interrupted. The circumstance itself of bringing forward this memorandum, seemed at the time, and as it regarded the right hon. Gentleman, to reflect upon the hon. Gentleman's client, Mr. Parker, and as if he (Mr. Christie) had only acted as advocates are sometimes used to do, in adopting the instructions of their clients, and saying things that they would otherwise abstain from doing. But what he had been about to refer to was, that the hon. Gentleman allowed nearly twelve months to elapse before he had told them that he had not acted upon the instructions of his client in producing that memorandum, but had only received it from him with other matters connected with the case, and that it had been left to his (Mr. Christie's) judgment to determine what use to make of it. The right hon. Gentleman might have complained of its being used at all against him, and of its having been made at all; and if the hon. Member for Weymouth had only acted in obedience to the request of one whose case he was advocating, and had stated this, it might have been excusable in him. But he (Mr. Villiers) had referred to the case because it was now known that it was not in compliance with the request of his client, but in the exercise of his own discretion, that he had made this memorandum part of his case—and he had only referred to it to show that the hon. Member had no particular reason for appealing to his known conduct in that House, as an answer to his (Mr. Villiers') reflections upon him. The hon. Gentleman had denied the truth of what he (Mr. Villiers) had said upon a former occasion, namely, that he (Mr. Christie) had put questions to the witnesses that had reference to their private affairs. Now the hon. Member for Weymouth had, on this Andover Committee, inquired of Sir Frankland Lewis about a private arrangement with his son, for the latter to succeed him in the Poor Law Commission. [Mr. Christie: No!] Did the hon. Member deny that this inquiry had been made of Sir Frankland Lewis, and that the indecency of the question had not been so obvious to some Members of the Committee, that he (Sir Frankland Lewis) had been stopped in his answer? [Mr. Christie: Yes!] That settles the matter, then. But he (Mr. Villiers) had read the reports of what occurred in that Committee from day to day, and he must have been completely misled by what had been reported, if his (Mr. Villiers') statement was not correct. It was generally understood to have occurred at the time, and it had not been denied up to the present time. Sir Frankland Lewis, indeed, was anxious to give the answer to the question, and the Chairman, or some person struck with its impropriety, cleared the room. [Mr. Christie: That is untrue!] The hon. Gentleman used strong language. He was the last man in this House that should do so. How dared the hon. Member?

Mr. SPEAKER said, that it was clear to him that both hon. Members were out of order; he must, therefore, in the first place, call upon the hon. Member for Weymouth for an explanation as to charging another Member with uttering an untruth; and then he should call upon the hon. Member for Wolverhampton to recall the expression he had just used.

Mr. CHRISTIE, in explanation, stated that in saying it was untrue with respect to the assertion of the hon. Member, he did not mean to charge the hon. Gentleman with wilfully uttering a falsehood; but he meant to say that when the question alluded to was put, it was not the chairman who ordered the room to be cleared. It was clear that the matter arose out of a mistake of the hon. Member, and there was no intention on his part to impute wilful untruth to the hon. Member.

Mr. VILLIERS said, if the House was satisfied with the explanation of the hon. Member as to charging him with uttering an untruth, he was bound to be so. It was clear, however, from the hon. Member's own statement, that the question was put to Sir F. Lewis, and, according to what he now said, was misconceived by that gentleman. The effect of it was, whether or not some arrangement had not existed between Sir F. Lewis and his son as to the retirement of the former in favour of the latter; and that, they were told, was no inquiry into the private affairs of the witness. But this was not a singular case; for every man who went into the Committee-room where the inquiry respecting the Andover union was carried on, must have been struck with the extraordinary mode of examination pursued by the hon. Member. He felt bound to say that the hon. Gentleman had taken a very different view of what was becoming and decent, from several other Members of that Committee. The hon. Member interrupted the witnesses most improperly, and treated them in a most offensive manner, and his conduct was much complained of by several of the witnesses examined upon that occasion. This, indeed, was so manifest and so offensive in some cases, that it was made the subject matter of a leading article in the *Times* newspaper. The *Times* took the same view of the Poor Law as the hon. Member; and therefore it must have been a strong course of conduct on his part to induce that newspaper to take up the matter in the way it did. There was a medical gentleman examined amongst others, of the name of Westlake, to whom the whole credit of the inquiry was due; and the conduct of the hon. Member for Weymouth towards that gentleman, for whose honesty and disinterestedness in oming forward to make disclosures repecting the Andover workhouse great credit was due, had been such, that, literally, the papers on his own side were compelled to notice and comment upon it. There were other persons too, who had been examined by the hon. Member, who had also complained of the manner in which he had conducted the examination. He must therefore say that he had nothing to retract of what he had said with regard to the hon. Gentleman's conduct. He should repeat that it exhibited gross partiality and bad taste and a vindictive feeling on the part of the hon. Gentleman towards the Poor Law Commissioners. The hon. Gentleman had utterly failed to establish the charges which he had tried to make out against the Commissioners. The charge which the hon. Gentleman had put forward in his speech, and which had since been set forth in an anonymous pamphlet, which he believed had been published by the hon. Gentleman, was, that the Poor Law Commissioners had exercised their functions in habitual violation of the law. He said that the hon. Gentleman had failed to prove that assertion. And if anything were wanted to establish the fact of his failure, it was to be found in the letter which had been read that night by the hon. Member for Somersetshire, in which Mr. Chadwick referred to Mr. Nicholls to bear testimony to his character and conduct; and what had been Mr. Nicholls's reply? That in all the complaints which Mr. Chadwick had made as to the mode in which the Poor Law Commissioners had conducted their business, Mr. Nicholls thought him wrong, as he had told him always in private, though he had never seen reason to doubt his integrity, however different the view was which he himself took of the subject in question. Mr. Nicholls was a friend of Mr. Chadwick; and he said farther in this letter, that he always felt great respect for his (Mr. Chadwick's) character, and that he highly estimated the benefits which he had been in no slight degree instrumental in conferring upon the community. What then became of the charges made by the hon. Member for Weymouth in his speech, and which he had again brought forward in his pamphlet? [Mr. Christie: I published no pamphlet. It is not mine.] The extract given in the pamphlet, at all events, purported to be from the hon. Gentleman's speech. [Mr. Christie: The pamphlet is not mine. I did not publish it.] The hon. Gentleman might not have either written or published the pamphlet, but that did not prove that the extract given in it was not an extract taken from the hon. Gentleman's speech; and that extract asserted that the Commissioners were constantly in the habit of violating the law. The next charge which had been brought against the Poor Law Commis-Weymouth, and others, was, that they constantly discouraged their assistant com-sioners, both by the hon. Member for missioners, and those acting under them, from doing their duty. Now he (Mr. Villiers) said there was not a particle of evidence to support that charge. One assistant commissioner, he would admit, might take a different view of a subject from that which another might take, and he might send his report, founded upon his own views, to the Central Board; but the Central Board might not choose to view it in precisely the same light, nor to adopt the course which their assistant commissioner might think necessary. They might lay the report aside. But he denied that the assistant commissioners had been discouraged. One of them, indeed, had written a letter to the Secretary of State to say, that though his name had been mentioned as having complained of this, that he did not confirm what had been said. He did not believe that there was one who could, with the slightest truth, say that he had been discouraged in the performance of his duty. He did not believe the charge. To use the hon. Member for Weymouth's own language, he (Mr. Villiers) thought it untrue. He should not have addressed the House on this occasion had it not been for the pointed allusion of the hon. Gentleman to him. He felt that the hon. Gentleman had entirely failed in his reply to what fell from him on a former occasion; and he said, that if the hon. Gentleman had been present on that occasion, he should have referred to what he considered his discreditable conduct in the Committee in stronger language than that which he actually used.

Sir GEORGE GREY could not help expressing his regret that anything personal should have occurred to change the character of the debate. He begged the House to go at once to the business before it, and he hoped hon. Gentlemen would not longer hinder the House from going into Committee. He made that request, because he believed the hon. Member for Dorsetshire (Mr. Bankes) did not mean to divide the House upon the question.

Mr. GRIMSDITCH begged to be heard before the question was put, as he had made several ineffectual attempts previously to address the House. For the previous hour and a half the time of the House had been taken up, not with the business before it, but with the private squabbles amongst Poor Law Commissioners, and between two Members of the House. Those squabbles amongst the Commissioners were, however, only part and parcel of the complicated evils which had always attended the administration of the New Poor Law; but they formed no part of the question before the House, which was simply whether they should or not go into Committee upon the Bill. He confessed he had been greatly disappointed by the speech of the noble Lord. He had been greatly disappointed at finding that the Bill was only a mere renewal of the old Board of Commissioners, instead of a new and comprehensive measure. The assistant commissioners under the former law had been a great nuisance. They had done no good whatever, and it appeared that there were some of the poor-law unions that had not been visited by an assistant commissioner for as many as three years together. The hon. Gentleman read a number of statistical details with regard to the number of poor-law unions, distinguishing their various descriptions, from which he showed that, taking the average number of working days in the year, it would be impossible for the nine assistant poor-law commissioners to visit each union more than once in every half year. He recommended that the central control should be vested by the new Bill in a new Secretary of State. He did not care about the patronage, upon which a great deal of stress was sometimes laid by hon. Gentlemen. But to carry out so very important a measure as the Poor Law, affecting as it did the whole body of the people, rich as well as poor, he thought they should vest the central control in a Member of the Privy Council. The new Secretary of State might, in the same manner as the Secretary of State for the Home Department, appoint two under secretaries and as many assistants as should be found necessary to transact the business Each of the assistants should be compelled to live within his own district, and to visit all the unions regularly. Seeing that the Bill before the House was a mere naked revival of the old Bill, with nothing but the addition of a seat in Parliament to one of the Commissioners, he could not but express his disappointment at it. Let them have as Chief Commissioner a Privy Councillor. Their Chadwicks and Lewises would not do. He had always considered both Mr. Chadwick and the hon. Member for Wolverhampton mere theorists upon the Poor Law; and theorists alone would not suffice to carry a practical measure into effect. He, for one, was ready to meet the question fairly and fully, and go into it.

Mr. SPOONER deprecated going into a question of such importance as the Poor Law in the last few weeks of an expiring Parliament. A Bill of such deep moment as the permanent alteration of the Poor Law, should not at that late period be brought on. They had not time to debate it fully and properly in all its bearings; and the public had not time to form and express an opinion upon the merits of the proposed measure, and to make the opinion known to the House. The House did not seem to be at all in sympathy with the public out of doors upon it, or they would have more hon. Members present than they then saw about them, and who were barely in sufficient numbers to keep a House. He could tell them there was a very strong feeling out of doors upon the subject, and that feeling would exhibit itself forcibly hereafter, as soon as the nature of the measure should have become generally understood. One thing the country certainly required, and that was an alteration in the present system; but not such an alteration as the one now proposed, which was a mere alteration in the names of the parties to whom the carrying of the law into effect was to be entrusted, whilst continuing in full force all the objectionable portions of the old system. He thought the great error of the system hitherto in force had been the detention of the principle of self-government, and the abolition of the parochial system. There had been, he admitted, many abuses arising out of the parochial system: but he would go back to the principle of the law of Elizabeth, that every man who could not obtain employment, although he was able and willing to work, should have work found him. But under the present system, the poor man, who was both able and most anxious to work if he could obtain employment, being unable to find any, was subjected to treatment worse than that to which convicted felons were subjected. He would undertake not to give any opposition to the Bill in Committee if the right hon. Baronet would consent that the Bill should be passed for only twelve months, and to the end of the then next Session of Parliament. The impression out of doors was, that it was not intended to persevere with the Bill, or otherwise he was convinced the Table of the House would be covered with petitions against it. In the absence of his hon. Friend who moved the Amendment, he would not trouble the House by pressing a division upon it.

Original Motion agreed to.

House in Committee.

On Clause 12 being proposed, which repeals certain enactments as to the records of the Commissioners,

Mr. HENLEY objected to the doing away of the requirement relative to the keeping of records.

The ATTORNEY GENERAL said, that as the real object of the Bill was to invest one single individual—the President of the Board—with the power of executing the Poor Law, it was quite unnecessary to provide that records of the kind, now required by law, should continue to be kept. By a clause in the Bill, the Secretary of State for the Home Department was to have a seat at the Board, and it was, therefore, unnecessary to keep records for his use.

Mr. BANKES said, that this statement showed that the Government had come round to the views entertained on his side of the House, as to the propriety of placing the power in the hands of a single individual. But if such were the intention, why speak of a Board? If a single person was to have all the power, let it be so; but do not palm upon the public the delusion of a Board. He would divide the House upon the point.

Lord J. RUSSELL said, it was never denied that the power would be exercised by a President, and that upon him would rest the responsibility. He (Lord J. Russell) did not think that the hon. Gentleman would have objected to an arrangement which was the same as that which existed in the case of the Board of Trade and the Board of Control. When the hon. Gentleman was himself (as we understood) the Secretary of the Board of Control, he did not think that the fact of all the power being placed in the President was a delusion.

Mr. BANKES thought that the Board of Control, as presently constituted, was effective enough as regarded India; but he did not approve of a Board similarly constituted being entrusted with the administration of the Poor Law.

Mr. CHRISTIE said, that the complaint so frequently made about the Poor Law Commissioners not having kept minutes was an instance of the many misrepresentations which had gone abroad. The Commissioners did keep a record of their proceedings of the kind required by the Act; but the complaint to which they were liable was, that they did not keep minutes in the way that a board ordinarily kept minutes, that was to say, a record made at the time by the Secretary, and verified by the Commissioners present. He concurred in the propriety of repealing the clause in the present Act which required minutes to be kept, now that the Board was differently constituted. Under the arrangement which placed the responsibility on the shoulders of a single person, the public had a guarantee for good management, in the fact that both the President and the Secretary would sit in that House, and might at any time be called upon to afford explanations as to their proceedings.

The ATTORNEY GENERAL said, that as the Home Secretary would be a member of the Board himself, it would be absurd that he should report to himself; but as a substitute for that report it was provided in another clause that the Board should report yearly to the House what had been done during the preceding twelve months.

Mr. BANKES said, that the learned Attorney General and his Colleagues appeared to assume that these functionaries would always have a seat in the House; but how were they sure of that? He confessed he looked with much suspicion at a clause which went to repeal that which would seem to be one of the essential duties of public functionaries.

Mr. HENLEY moved the omission of such words in the clause as absolved the Board from the necessity of keeping minutes of their proceedings.

The Committee divided on the question, that the words proposed to be left out stand part of the Question:—Ayes 65; Noes 23: Majority 42.

List of the AYES.

Acheson, Visct.
Aldam, W.
Baring, right hon. F. T.
Bell, J.
Borthwick, P.
Boyd, J.
Brotherton, J.
Buller, C.
Busfeild, W.
Christie, W. D.
Cowper, hon. W. F.
Craig, W. G.
Denison, J. E.
Dickinson, F. H.
Dundas, Sir D.
Esmonde, Sir T.
Evans, W.
Forster, M.
Fox, C. R.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hamilton, G. A.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Howard, P. H.
Hughes, W. B.
Jervis, Sir J.
Kemble, H.
Labouchere, rt. hon. H.
Langston, J. H.
Macaulay, rt. hn. T. B.
Mahon, Visct.
Mitchell, T. A.
Morris, D.
Morison, Gen.
Nicholl, rt. hon. J.
O'Brien, J.
O'Brien, T.
O'Conor Don
Pakington, Sir J.
Parker, J.
Polhill, F.
Price, Sir R.
Protheroe, E. D.
Pusey, P.
Rice, E. R.
Rich, H.
Russell, Lord J.
Scrope, G. P.
Seymour, Lord
Sheil, rt. hon. R. L.
Somerville, Sir W. M.
Strutt, rt. hon. E.
Thornely, T.
Tollemache, J.
Turner, E.
Villiers, hon. C.
Ward, H. G.
White, S.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Allix, J. P.
Arkwright, G.
Brisco, M.
Crawford, W. S.
Davies, D. A. S.
Deedes, W.
Douglas, Sir H.
Entwisle, W.
Etwall, T.
Floyer, J.
Frewen, C. H.
Grimsditch, T.
Hall, Sir B.
Hodgson, F.
Jolliffe, Sir W. G. H.
Miles, W.
Muntz, G. F.
Prime, R.
Spooner, R.
Stuart, J.
Thompson, Mr. Ald.
Vivian, J. E.
Yorke, H. R.

TELLERS.

Bankes, G.
Henley, J. W.

Clause agreed to.

On Clause 25, Commission to continue for —— years, and on the question that the blank in the clause be filled with the word "five,"

Mr. BORTHWICK moved that the word "three" be inserted instead of five, thus limiting the duration of the Act to three instead of five years.

Colonel SIBTHORP would prefer the limitation to one year, to show that the House had no confidence whatever in the Poor Law Commissioners. He would be glad, if allowable, to move as an Amendment to substitute one year instead of three years.

Mr. GREENE said, that the hon. and gallant Member could not move such an Amendment.

Sir G. GREY must oppose the Amendment of the hon. Gentleman. He did not think that one year would give a fair trial, neither did he think that three years would be sufficient.

Mr. SPOONER thought the substitution of three years would be a decided amendment. Indeed he would prefer one year if the Government would agree to it.

Mr. MUNTZ would support the Motion to limit the Commission to three years.

Mr. T. EGERTON supported the Amendment of the hon. Member for Evesham (Mr. Borthwick).

Mr. HENLEY preferred the lesser period.

Sir G. GREY said, that hon. Members were mistaken as to the intended operation of the Bill. It would not give the first President a five years' tenure of office;

the period of five years had reference merely to the duration of the Act, and if it worked ill it might be amended. The hon. Member for Birmingham, whom he hoped to see in the next Parliament, might, in the course of a future Session, make any Motion he thought proper for its alteration.

Mr. BANKES observed that five years exceeded the average duration of Parliaments; he preferred one year to three, but five he should decidedly oppose.

Mr. BORTHWICK persevered in urging the House to admit the principle of one year instead of five.

Captain HARRIS considered that the measure was nothing more than a renewal of the Commission, with the simple difference of having a President with a seat in that House, who being connected with Government, would be liable to removal and the influences of party. He wished to see placed on the Statute-book a revised and consolidated poor-law code, to which any one might refer, and a copy of which should be sent to each union, the whole to work under the Home Office with an additional irremovable Under Secretary. The twelve inspectors to be appointed to districts where they should superintend the working of the law, conduct inquiries, and report to the Home Office. He thought that if the Bill was allowed to pass at all this Session, its operation should be limited to as brief a period as could conveniently be named.

Mr. HUDSON expressed a hope that the Government would see the expediency of giving way on this point without going to a division. Three years would be a period sufficiently long for a trial of the amended law; and if it was found to be based upon a sound principle, there would afterwards be no objection to extending it to five or a greater number of years.

The House divided on the question that the blank be filled with the word "five:"—Ayes 76; Noes 43: Majority 33.

List of the Ayes.

Aldam, W.
Bell, J.
Bellew, R. M.
Berkeley, hon. Capt.
Blake, M. J.
Bodkin, W. H.
Boyd, J.
Brotherton, J.
Buller, C.
Buller, E.
Burke, T. J.
Busfeild, W.
Cavendish, hon. G. H.
Christie, W. D.
Clerk, rt. hon. Sir G.
Clive, Visct.
Corbally, M. E.
Courtenay, Lord
Craig, W. G.
Denison, J. E.
Dickinson, F. H.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Evans, W.
Gibson, rt. hon. T. M.
Gill, T.
Graham, rt. hon. Sir J.
Grey, rt. hon. Sir G.
Hallyburton, Ld. J. F. G.
Hamilton, Lord C.
Hanmer, Sir J.
Hawes, B.
Heneage, G. H. W.
Hobhouse, rt. hon. Sir J.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Hughes, W. B.
Jervis, Sir J.
Labouchere, rt. hon. H.
Langston, J. H.
Lemon, Sir C.
Macaulay, rt. hon. T. B.
Maule, rt. hon. F.
Monahan, J. H.
Mostyn, hon. E. M. L.
Nicholl, rt. hon. J.
O'Connell, M. J.
Ogle, S. C. H.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Philips, M.
Pinney, W.
Plumridge, Capt.
Price, Sir R.
Repton, G. W. J.
Rice, E. R.
Russell, Lord C. J. F.
Scrope, G. P.
Sheil, rt. hon. R. L.
Smith, rt hon. R. V.
Somerville, Sir W. M.
Stansfield, W. R. C.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Tollemache, J.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Ward, H. G.
White, S.
Wortley, hon. J. S.
Wyse, T.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the Noes.

Adderley, C. B.
Allix, J. P.
Arkwright, G.
Bankes, G.
Berkeley, hon. C.
Blackstone, W. S.
Brisco, M.
Buckley, E.
Burrell, Sir C. M.
Carew, W. H. P.
Copeland, Mr. Ald.
Cripps, W.
Davies, D. A. S.
Deedes, W.
Douglas, Sir C. E.
Egerton, W. T.
Entwisle, W.
Etwall, R.
Floyer, J.
Frewen, C. H.
Gardner, J. D.
Gladstone, Capt.
Grimsditch, T.
Hall, Sir B.
Halsey, T. P.
Harris, hon. Capt.
Henley, J. W.
Hudson, G.
Jolliffe, Sir W. G. H.
Masterman, J.
Morris, D.
Muntz, G. F.
Neeld, J.
Neeld, J.
Palmer, G.
Pechell, Capt.
Perfect, R.
Rashleigh, W.
Sibthorp, Col.
Vivian, J. E.
Waddington, H. S.
Williams, W.
Yorke, H. R.

TEELERS.
Spooner, R.
Borthwick, P.

House resumed.

Bill to be reported.

House adjourned at half-past Twelve o'clock.

HOUSE OF LORDS,

Friday, June 18, 1847.

Minutes.] Public Bills.—1ª Qualification of Peers (Scotland); Lunatic Asylums (No. 2); Collection of Duties (Port Natal); Destitute Persons (Ireland) (No. 2); Highway Rates.

2ª Copyhold Commission; Loan Societies; Turnpike Acts Continuance; Baths and Washhouses; Prisoners Removal (Ireland); Naturalization of Aliens; Newfoundland Government; Cemeteries Clauses.

Reported.—Soap Allowances; Stage Carriages, &c. Duties.

3ª and passed:—Master in Chancery; Masters in Chancery Affidavit Office; Burgh Police (Scotland).

Petitions Presented. From Reading and Bromley, for the Enactment of Sanitary Regulations.—From Joshua

Watts, of Peerless Pool, London, against any advance of Money from the Poor Rates in aid of the Baths and Washhouses.

THE GREAT BRITAIN STEAMER.

The Earl of RODEN, referring to the circumstance of the *Great Britain* steamer having run ashore last autumn in the Bay of Dundrum, near his residence, observed, that, notwithstanding she had been very much damaged by being exposed to the tremendous sea which set into that bay during the winter months, there was every probability of her being got afloat. Mr. Brunel, the eminent engineer, first attempted to obtain this result by making a breakwater with fagots; but, this not proving sufficient, Captain Claxton, a very eminent officer in the Navy, had directed that another breakwater of large green timber should be placed before this breakwater of fagots; and, through his exertions and ingenuity, there was reason to believe that, in the course of the next month—that is to say, during the first tide in July — the *Great Britain* would be got afloat and taken to Liverpool or Bristol. It was right that the method pursued by Captain Claxton should be properly made known, as it might be useful to the shipping interest to be acquainted with it, in the event of a similar calamity occurring at any future period. He should, therefore, like to know whether the Admiralty had sent over any person officially to see what had been done for the safety of the *Great Britain?*

The Earl of AUCKLAND said, he had received detailed reports on the subject, and would be ready, if desired, to lay them on the Table of the House. In the meantime, instructions had been sent to the admiral on the Irish station to lend the aid of the most powerful steamers at his command in the attempt to get the *Great Britain* afloat.

JUVENILE OFFENDERS BILL.

The Earl of DEVON moved the Order of the Day for going into Committee.

Lord DENMAN expressed his general approval of the measure. There had, of late, been an immense increase in the number of petty offences, which was occasioned, he believed, by the frequent acquittal of persons who committed those offences at the assizes and quarter-sessions, arising from the disinclination of juries to convict in such cases. A person who had stolen a fagot or an egg might be imprisoned for some months before his trial came on; the jury thought this a very hard case; and the consequence was, that the prisoner was acquitted, and a general impunity was declared for all persons who were guilty of these trifling offences. He (Lord Denman) considered, however, that these offences were very important; for they were generally committed by the idle poor upon the property of the industrious poor; and it was, therefore, most desirable that some means should be taken for their repression. It appeared to be the almost universal opinion of persons most conversant with the subject, that a jury ought not to be required to decide upon offences of such a trifling character; and he (Lord Denman) was therefore prepared, however reluctantly, to consent to a jury being dispensed with in such cases, provided a good and efficient tribunal was established to decide upon offences of this nature. He did not see, however, why the jurisdiction of such a tribunal should be confined to juvenile offenders; for he thought it might be advantageously extended to all offences, whatever the age of the criminals, which were not worth the expense of prosecution at the assizes or sessions. He objected to some of the details of the measure; but he would reserve his objections until the Bill was in Committee. There was one clause of this Act which authorized the court to direct restitution of stolen property; but the property might not be found in the hands of the criminal, or might not be discovered, and in that case the prosecutor would be a loser. He (Lord Denman) was most anxious that the principle of restitution should be carried out, and that where anything had been stolen the offender should be bound in one way or another to make good the loss.

Lord BROUGHAM concurred with the noble and learned Lord in the opinion that the principle of restitution ought, if possible, to be adopted.

After a few words from Lord CAMPBELL in support of the Bill,

The Marquess of WESTMINSTER was strongly desirous of seeing some change in the treatment of juvenile offenders, so that they might be instructed and reclaimed as far as possible. At present nothing gave him greater pain than to commit a child of tender years to imprisonment. He recommended to the attention of their Lordships the report of the Select Committee on the execution of the Criminal Law, whose suggestions were well worthy of adoption. The noble Marquess was understood to give notice that, in Committee, he would move that all prisoners of tender years should serve their term of imprisonment in separate confinement.

House in Committee.

Lord DENMAN thought it would be a great improvement if the operation of the Bill were not confined to children of the age of fourteen years. He would recommend that there should be no restriction as to age, but that all petty offences, by whomsoever committed, should come under the operation of the Bill. The noble and learned Lord concluded by moving an Amendment in conformity with his suggestion.

Lord PORTMAN concurred with the noble and learned Lord in thinking that the Bill should not be restricted to persons of a particular age. He looked to this Bill with much satisfaction, and thought that after a little experience of the manner in which it worked, the principle of a summary and speedy jurisdiction might be still further carried out.

Amendment withdrawn.

The Committee went through the Bill with Amendments.

House adjourned.

HOUSE OF COMMONS,

Friday, June 18, 1847.

Minutes.] New Member Sworn. Hon. Frederick Leveson Gower, for Derby Borough.

Public Bills.—2° Lunatic Asylums (Ireland) (No. 2).

Reported.—Poor Laws Administration; Corn, &c. Importation.

3° and passed:—Representative Peers (Scotland); Police Clauses; Royal Marine Service.

Petitions Presented. By Mr. H. Hinde, from Newcastle-upon-Tyne, for Inquiry respecting the Rajah of Sattara.—By Sir J. R. Reid, from Dover, against the Use of Grain in Breweries and Distilleries.—By Mr. Tufnell, from East Stonehouse, for Repeal of the Window Duty.—By Mr. Lambton, from Catholics of Houghton-le-Spring, for Alteration of the proposed Plan of Education.—By several hon. Members, from a great many places, in favour, and for Alteration of, the Health of Towns Bill.—By Captain Berkeley, from Farmers and Graziers attending Gloucester Marker, against the Removal of Smithfield Market.

COMMITTEES ON PRIVATE BILLS.

Mr. GREENE (in the absence of Mr. Hume) moved the resumption of the Adjourned Debate on the question—

> "That it is expedient that the constitution and practice of all Committees on Private Bills, in future Sessions of Parliament, should be assimilated as nearly as may be to those of Committees on Railway Bills; and that it be an instruction to the Committee for revision of Standing Orders to make provision accordingly."

The hon. Gentleman adverted to the various changes which had been made in the constitution of Committees on Private Bills for the purpose of securing an impartial tribunal, and to the want of success which had attended those changes. In reference to Railway Bills, however, the House had resorted to a new principle. Such Bills were referred to Committees consisting of five members, who were entirely unconnected with the district to which the Bills related. Testimony was generally borne to the infinite superiority of that system. Difficulties were experienced and complaints were made in consequence of the attendance in Committees on Private Bills of Members who had a local interest, or might be supposed to act under the influence of their constituents. Indeed, he recollected on one occasion, when, as chairman of a Committee on a Private Bill, he had to give a casting vote, that a Member of the Committee who voted differently said to him, "You were perfectly right in the vote you gave, and I was perfectly wrong; but what could I do with such a number of my constituents present?" Local Members might be present in Committees to assist; but they should have no voice in the decision. The opinions of Parliamentary agents and others possessed of the greatest experience was in favour of the exclusion of local Members; and he might further state that the House of Lords had adopted that system.

Mr. BERNAL thought, considering the importance of the Motion, that the hon. Member for Montrose (Mr. Hume) ought to have been present to support it himself. Its adoption would do nothing but impose duties of a most severe and arduous nature upon Members of the House in regard to Private Bills. Hon. Gentlemen would be compelled to attend to every gas, waterwork, or paving Bill—to Private Bills, in short, of all descriptions, and to sit in the Committee-rooms dealing with most uninteresting matter. From the nature of the private business, it would be impossible, when it was increasing to so much, for hon. Gentlemen to do justice to the subjects. He thought, indeed, the time was approaching when the House of Commons would see the necessity of rejecting that description of business, and of appointing that tribunal thoroughly to investigate the preliminary matters which formed the groundwork of all proceedings up stairs, reserving to itself the power of finally adjudicating. He would give every opposition to the Motion.

Sir R. H. INGLIS observed, that the mode of conducting private business was a matter of public interest and imperial concern. He feared, with his hon. and learned Friend who had last addressed the House, that much of their business was of a character which rendered another tribunal perhaps more appropriate. But he was satisfied that the large accumulation of their business, public and private, would make it physically, morally, and intellectually impossible for the House to get through it efficiently. With respect to the question which was then before the House, as to whether it was or was not fit that they should commit all Private Bills to one and the same kind of tribunal, composed of Members without local knowledge or local interest, his opinion was, that local interests ought to be represented. How much would it increase the expense, for instance, to send a Rochdale Gas Bill or a Rochdale Paving and Lighting Bill to a Committee which knew nothing about the local merits of the question, and who would have to depend altogether for their information on the counsel employed? The increased expense might be a comparatively light matter in the case of a large interest like that of a railway from London to Dover, but it might bear rather heavily upon the parties concerned in a Private Bill like that he referred to. He must say he was not prepared to adopt a measure which, although prospective in the present instance, had been deliberately rejected by a majority of two to one when it was proposed to apply it to the present Session. He concurred entirely in the propriety of that decision, and he heard no reason assigned which, in his judgment, was sufficient to justify the House in reversing it.

Sir G. HEATHCOTE supported the Motion. He did not see the force of the objection urged by the two hon. Gentlemen who had just spoken as to the oppressive labour which this new system would throw upon Members. There was no new work to be introduced; the work was already done by Members; and all that was proposed was a new method of doing it. The hon. Members had also talked of the increase of private business being likely to lead to its being done out of the House altogether by a judicial body: that might be a very proper arrangement; but it was inconsistent with their other argument, that local bodies ought to be represented in the management of the private business, becuse there would be no representation of local interests in such a tribunal as that proposed. He begged to remind the House that the present Motion embraced other objects besides that of assimilating the constitution and practice of Committees on Private Bills to those of Railway Committees, in the matter of selecting Members. There was the practice of sending groups of Bills to the same Committee, and the practice of making the attendance of Members compulsory, both which practices would be a great improvement in regard to Private Bills. With regard to the representation of local interests in the Committees, he admitted that in a few cases it might be a disadvantage to exclude it; but, on the whole, he was inclined to think that that disadvantage would be more than compensated by having the Committee entirely selected.

Mr. BROTHERTON hoped the House would pause before it adopted this resolution, and not deprive constituents of the benefit of their representatives. This was a constitutional question. He recollected that the predecessor of the present Speaker declared that it was not according to the constitution to deprive constituencies of the benefit of their representatives. He should be inclined to support the resolution, provided it were modified so far as to allow local Members to have a seat in the Committees along with the selected Members. Supposing the Bill related solely to some particular borough, he would have the Member for that borough on the Committee; suppose it related to a county, he would have the two county Members on it; and supposing it related to more than one borough, he would have the Members for each of the boroughs on it. He thought such a plan as that would be a great improvement.

Mr. BANKES concurred in thinking it would be highly inexpedient to adopt this proposition. He had lately sat on a Railway Committee along with four hon. Members of great talents, and they had all felt themselves exposed to much inconvenience from having no local information. The railways referred to them were all in Scotland, and there was not one Scotchman on the Committee. The consequence was, that they felt great doubt if they had given a proper decision in all cases. They did the best they could, and he hoped their decisions were right; but they acted under great disadvantages. And how could it be otherwise, seeing that the House appointed men whose principal qualification was ignorance of the subject? Such a tribunal, for want of a better, might be adopted with respect to railways; but he hoped it would continue to be an exception—at all events, until a better and more matured plan than this was laid before the House.

Mr. STRUTT said, that the hon. Member for Oxford had argued that the House ought to decide against the Motion, because they had already given a decision against it in the course of the present Session. He (Mr. Strutt) begged to remind the House of the circumstances under which that decision was given. The hon. Member for Dumfries brought forward a Motion on the subject on the second day of the Session. Objections were taken to his bringing it forward at that time; and the Secretary of State for the Home Department stated, that he did not wish to express an opinion either for or against the Motion; but, considering that it had been brought forward without the House having long notice of it, and considering that the subject had not previously been submitted to a Committee, and did not come before the House with the weight and authority of a Committee, he hoped the hon. Member would consent to withdraw the Motion. The hon. Member for Dumfries consented to withdraw it; but this having been objected to, a division unexpectedly took place, and it was rejected. It was not rejected, however, upon its merits, but for the reasons he had stated. Now, however, the resolution came before the House recommended by the nearly unanimous opinion of a Committee who had fully discussed and considered the matter. He must say for himself that when he sat on a Committee as a local Member, he felt that he was placed in a painful position. His constituents naturally, and he must say rightly, because he was their representative, expected him to attend to their interests; while, on the other hand, he felt that he was there in a judicial capacity, and that he ought to pay no respect to mere local feelings. The hon. Member for Dorsetshire had said, that Members were selected whose qualification was ignorance of the facts. But what was the qualification of jurymen? In the case of jurymen it was felt that impartiality was much more important than a knowledge of particular facts, because the want of information might be supplied by counsel and evidence, whereas impartiality could not be supplied by any other means. Having long entertained that opinion, and having previously given his vote in favour of it, he felt bound to repeat that vote; because all the experience he had had in private business, and of the working of the two systems, had convinced him that the House would act wisely if they adopted the Motion then proposed, and formed their Committees on a uniform system.

Viscount SANDON was of opinion that a broad distinction existed between Railway Bills and Local Bills: the former related to matters in which the whole country was interested; the latter referred only to subjects which possessed no interest beyond the localities to which they applied. If local representation should be shut out from Committees on Private Bills, the consequence would be, that many points of great interest to the inhabitants of the localities affected would fail to be investigated. If it should be deemed expedient to prevent local Members from voting in the Committees, at least allow them the privilege of being present and taking part in the proceedings.

Sir J. GRAHAM said, that he had the honour of having served upon a Committee with the Speaker before the right hon. Gentleman was placed in the chair, in which the question now under consideration was raised in immediate connexion with the private business of the House, the duties connected with which the right hon. Gentleman discharged in so admirable a manner. The question was no less difficult than important, and its difficulty was enhanced by the divided authority which prevailed respecting it. The opinion which the Speaker expressed before he was appointed to the chair was decidedly in favour of the change now proposed; but, on the other hand, the right hon. Gentleman's predecessor, Lord Dunfermline, maintained that local representation in private Committees was, on constitutional grounds, not only defensible, but necessary. Then, again, the noble Lord the Member for Liverpool, who had perhaps greater experience with respect to Private Bills than any other Member of the House, and whose integrity in dealing with them was universally acknowledged, opposed the resolution; whilst the hon. Member for Hants declared his intention of voting for it. The observations which had been made relating to the manner in which the proposed change would affect the convenience of Members, would not in any respect influence his decision on the question. When a Gentleman undertook to act as a representative of the people, he did so under the implied, if not the express condition, that he would sacrifice his convenience and devote his time to the public service. The question to be decided, therefore, was, what was for the public good with respect to the matter which they were then discussing? He did not believe it would promote the interests of the people to put an end to representation as respected private business. He could not concur in the opinion expressed by the hon. Member for Weymouth (Mr. Bernal), that the time had arrived when it was desirable to cut off from the House all jurisdiction with respect to private business. With due diligence and the proper appropriation of time, he believed the House would be able to discharge all the duties which at present devolved upon it. He should be sorry to see the House part with any of its functions, the due discharge of which elevated it in the opinion of the public. The resolution before the House recommended that Committees on Private Bills should be assimilated as nearly as might be to Committees on Railway Bills. The words "as nearly as might be" gave a character of ambiguity to the proposition. At the close of the Session, and in the last hour almost of an expiring Parliament, it would be neither wise nor expedient to affirm a proposition which on the face of it appeared to propose so extensive an alteration, and yet was so ambiguously worded that it might produce no substantial result. If, therefore, the Motion were proposed to a division, he would vote against it.

Sir G. GREY said it was true that no plan had been submitted to the House, but it was the object of the resolution to refer the matter to the Standing Orders' Committee, in order that they should draw up such regulations as they might deem necessary. If he must choose between the existing practice and the alteration proposed, he preferred the latter, and would therefore give his vote for the Motion.

Mr. ESTCOURT said, that he would support the Motion. From his peculiar position he had no interest in the matter; but he wished to state distinctly, as the result of the experience of many years, that he thought it would be a great improvement to adopt the same system for Private Bills as for Railway Bills: it was, perhaps, the last opinion he should give in that House before retiring to a private station.

Mr. LABOUCHERE was sure the House would receive the opinion of the hon. Gentleman with great respect, and would hear with regret that they were about to lose the valuable aid they had derived from his long experience in this important part of their duties. With regard to the question before them, he could not agree with the right hon. Baronet (Sir J. Graham) that any great constitutional principle was involved in the Motion. The only question for them to decide was, how they could best form an impartial tribunal for the trial of Private Bills. The constitutional principle was equally involved in the rule laid down with regard to Railway Acts. His own opinion was strongly in favour of assimilating more closely the system of Committees on Railway and Local Bills; but he thought Members connected with the locality need not be entirely excluded from the proceedings; they might attend and take part in the inquiry, but should have no vote. He knew that Members were frequently placed in a difficult and dangerous position from their constituents urging them to vote one way, while their duty as judges compelled them to decide another.

Mr. SHAW could not lay claim to the experience of many Members who had spoken in that debate; still, he had not been without considerable experience both on Railway and other Private Bill Committees. He admitted that the question of excluding from Committees on ordinary Private Bills all Members with local or personal interests, was not free from some difficulty; yet he had no hesitation in giving it as his opinion, that in the balance of advantages, the preponderance was decidedly in favour of assimilating the practice to that on Railway Committees, and confining the tribunal in principle to selected Members. He had not arrived at the conclusion of his hon. Friend the Member for Weymouth (Mr. Bernal), that the time was come when the House must altogether part with its jurisdiction in private business; but he was very sensible of the vastly increased weight and responsibility of that department of the functions of the House; and sure he was, that if the House meant permanently to retain it, they must apply timely reform in that respect; and he considered the present a step in the right direction for the purpose.

Mr. EWART knew that political contests were often fought on local Bills. He was fully convinced that if they rendered the tribunals before which Private Bills were tried, impartial, it would raise the dignity of the House, and confer a benefit on the public.

Viscount EBRINGTON said, the opposition to his last return was founded entirely on his conduct on a local Bill. He wished to see Members act as judges, not as advocates.

The House divided:—Ayes 116; Noes 88: Majority 28.

List of the AYES.

Acland, T. D.
Aldam, W.
Arkwright, G.
Arundel and Surrey, Earl of
Baring, rt. hon. F. T.
Baring, rt. hon. W. B.
Barrington, Visct.
Berkeley, hon. C.
Berkeley, hon. Capt.
Boyd, J.
Brown, W.
Buller, E.
Burke, T. J.
Callaghan, D.
Cardwell, E.
Chapman, B.
Clay, Sir W.
Colebrooke, Sir T. E.
Collett, W. R.
Collett, J.
Courtenay, Lord
Crawford, W. S.
Dalrymple, Capt.
Denison, J. E.
Dennistoun, J.
Dickinson, F. H.
Divett, E.
Dodd, G.
Dugdale, W. S.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Dundas, Sir D.
East, Sir J. B.
Ebrington, Visct.
Ellice, E.
Escott, B.
Esmonde, Sir T.
Estcourt, T. G. B.
Ewart, W.
Forster, M.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Gordon, Adm.
Gore, hon. R.
Gower, L.
Grey, rt. hon. Sir G.
Grogan, E.
Hanmer, Sir J.
Harris, hon. Capt.
Hastie, A.
Hatton, Capt. V.
Heneage, E.
Holland, R.
Hope, A.
Horsman, E.
Howard, hon. E. G. G.
Howard, P. H.
Jervis, Sir J.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lefroy, A.
Lincoln, Earl of
Lindsay, Col.
Loch, J.
Mackinnon, W. A.
Marshall, W.
Marsland, H.
Maule, rt. hon. F.
Miles, W.
Moffatt, G.
Morpeth, Visct.
Mostyn, hon. E. M. L.
Muntz, G. F.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, J.
O'Conor Don
Ogle, S. C. H.
Paget, Col.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pattison, J.
Philips, G. R.
Plumridge, Capt.
Powlett, Lord W.
Protheroe, E. D.
Pusey, P.
Rich, H.
Richards, R.
Roebuck, J. A.
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Somerville, Sir W. M.
Sotheron, T. H. S.
Stanton, W. H.
Strickland, Sir G.
Strutt, rt. hon. E.
Tancred, H. W.
Thornely, T.
Tomline, G.
Towneley, J.
Trelawny, J. S.
Tufnell, H.
Turner, E.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Williams, W.
Winnington, Sir T. E.
Wood, Col. T.
Wortley, hon. J. S.
Yorke, H. R.

TELLERS.

Greene, T.
Heathcote, Sir W.

List of the NOES.

Adare, Visct.
Baillie, W.
Bankes, G.
Barnard, E. G.
Beckett, W.
Bentinck, Lord G.
Bernal, R.
Bodkin, W. H.
Borthwick, P.
Brisco, M.
Broadley, H.
Broadwood, H.
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Carew, W. H. P.
Cavendish, hon. G. H.
Cholmeley, Sir M.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Clive, Visct.
Codrington, Sir W.
Cole, hon. H. A.
Corbally, M. E.
Deedes, W.
Disraeli, B.
Douglas, J. D. S.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Egerton, W. T.
Egerton, Sir P.
Entwisle, W.
Feilden, Sir W.
Ferguson, Sir R. A.
Fielden, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. M.
Gisborne, T.
Gore, M.
Graham, rt. hon. Sir J.
Hall, Sir B.
Hamilton, W. J.
Hamilton, Lord C.
Heathcote, G. J.
Henley, J. W.
Hildyard, T. B. T.
Hodgson, F.
Hodgson, R.
Howard, hon. C. W. G.
Hudson, G.
Ingestre, Visct.
James, Sir W. C.
Kemble, H.
Lowther, Sir J. H.
Lowther, hon. Col.
Lygon, hon. Gen.
Mackenzie, T.
Manners, Lord J.
Miles, P. W. S.
Morgan, O.
Morris, D.
Newdegate, C. N.
Newport, Visct.
O'Ferrall, R. M.
Palmer, G.
Pechell, Capt.
Peel, J.
Prime, R.
Rashleigh, W.
Repton, G. W. J.
Rice, E. R.
Ross, D. R.
Sandon, Visct.
Seymour, Lord
Sheppard, T.
Smith, rt. hon. R. V.
Somerset, Lord G.
Spooner, R.
Trollope, Sir J.
Trotter, J.
Vane, Lord H.
Vyse, H.
Waddington, H. S.
Walsh, Sir J. B.
Welby, G. E.
Worcester, Marq. of

TELLERS.

Brotherton, J.
Inglis, Sir R. H.

Motion agreed to.

WINDOW DUTIES.

LORD J. RUSSELL said, his noble Friend the Member for Bath (Viscount Duncan) had given notice of a Motion for that evening relative to the window tax. He hoped that his noble Friend would consent to withdraw that Motion. He should not have objected to the discussion of the subject if it had been introduced at an earlier period; but at this stage of the Session such a Motion would involve great inconvenience, and he trusted it would not be persevered with.

VISCOUNT DUNCAN begged to state, in reply to his noble Friend, that no one was more anxious than he was to promote sanitary measures. His attention had chiefly been directed to this subject by the report of the Committee (on which many Members of the Government had sat) on Lord Lincoln's Bill. That report pointed out that one great defect in the Bill consisted in its not embracing the window tax; and he considered that no sanitary measure would be complete if this subject were omitted. It had not now been his intention, however, to enter at any length into the question; he had wished only to take that opportunity, on going into Committee on the Health of Towns Bill, to call attention to the remarkable fact that within the last three or four years the number of houses having eight windows, which was the lowest class under the assessment, was getting fewer and fewer, and that no less than 7,000 houses of this description had fallen out of the assessment since the window tax had been increased under Baring's Act, in 1841. If, however, the course he had proposed to take would interfere with the arrangements of the noble Lord, or unnecessarily detain the House, he would withdraw the Motion; and he trusted that, if in any future Session he were enabled to call the attention of Parliament to the subject, the Government would accord it that consideration which its importance deserved.

Motion withdrawn.

ADJOURNMENT—HEALTH OF TOWNS BILL.

Lord JOHN RUSSELL proposed that the House should meet on the next day to forward some Railway Bills.

Lord G. BENTINCK: I am unwilling to offer any opposition to the progress of public business; but I do think that going on with these Bills to-morrow, as the noble Lord at the head of the Government suggests, is a course which will be productive of great inconvenience to many Gentlemen, who, never expecting that any important business would be proceeded with on Saturday, or, in fact, any business at all, have made arrangements and engagements which will prevent their attendance. Saturday has always been a holiday, and the Government have given no notice of their wish to alter the custom. Besides, I cannot really see what there is so pressing as to require a departure from the regular course.

Lord J. RUSSELL: We only propose to take those stages of Bills to which there will be no opposition to-morrow. Objections have been frequently made in the House of Lords to the lateness of the period of the Session at which Bills go up to them from the House of Commons. I do not propose to go on with the Health of Towns Bill to-morrow; but as there are so many stages of other Bills which will be unopposed, we wish to proceed with them. It was not unusual for the House to sit upon Saturdays. They had done so in previous Sessions.

Mr. ROEBUCK said, as the noble Lord (Lord J. Russell) seemed to be so anxious to economise the public time, he would recommend him not to waste it in discussing Bills which were not to be passed. Thus many important Bills had been brought forward this Session of Parliament; among the rest, the Health of Towns Bill and the Railway Bill. As regarded the former, there was not a single town in the kingdom whose interests the measure did not affect. In the object of the measure he entirely agreed; but the means by which that object was to be achieved were the most crude, unprepared, and undigested—and the most critical—if he might use the term —to be worked out. In short, this Bill could not possibly pass without consuming many most laborious evenings. There were hosts of objections to it; and he might say the same thing of the Railway Bill. The two Bills were quite enough of themselves to occupy the House of Commons for the next six weeks, and most laboriously too; and after all, he was quite sure neither one nor the other of them would pass into law during the present Session. There was a Motion now before the House, to which he was speaking. There was another most important Bill to be considered—the Poor Law Amendment Bill. That was a very important Bill, he repeated, and must be carried. His noble Friend (Viscount Duncan) had withdrawn a Motion which was deemed of great importance by his constituents; and he was quite sure that, unless his noble Friend felt deeply the necessity of yielding to the wish of the Government, he would not have given way. He hoped that the obliging disposition of his noble Friend would be reciprocated by the noble Lord at the head of the Government—that he would well consider the position of public business, and not burden Parliament with unnecessary labours, which could result in no practical advantage—which would take up a great deal of time, and do no earthly good. Where was the use of fighting and wrangling over Bills which could not pass? He could not help thinking that these two measures were pressed upon the noble Lord by parties out of doors, who did not stop to consider what course would best conduce to the public welfare.

LORD J. RUSSELL, on moving the Order of the Day for a Committee on the Health of Towns Bill, said: I wish to say a few words in reference to what has been said by the hon. and learned Gentleman the Member for Bath upon the Health of Towns Bill. The hon. and learned Gentleman says, this Bill is to be met by a host of objections; but I do not think that is any reason why either the House or the Government should take it for granted that the measure is not to pass—at least without such objections having ever been stated. The hon. and learned Gentleman said the Poor Law Amendment Bill "must pass," and that it was most important it should pass; but the hon. and learned Gentleman might upon this Bill be met with his own declaration upon the Health of Towns Bill; for there were many objections to it—many hon. Gentlemen who thought it ought not to be passed. We, however, discussed the Bill, and heard the objections against it; and I can see no reason why the Health of Towns Bill should not be proceeded with in the same manner. I think, Sir, that if the Government acted upon such suggestions as those of the hon. and learned Gentleman—if they gave as a reason to the House of Commons for not proceeding with an important Bill, that there were a great many objections against it, that they would be liable to just censure for neglect of duty. My remarks apply to both Bills. I now, Sir, move that the House go into Committee on the Health of Towns Bill, so that we may at all events hear what those formidable objections are.

MR. ROEBUCK did not wish the noble Lord to withdraw these Bills, or any other Bills; but he asked him not to press upon the House any measures which he did not think he could carry out. What the noble Lord had just said as to listening to the formidable objections against the Bill, convinced him that the noble Lord had made up his mind that it could not be carried out. If, however, they were to have a discussion upon the measure, the sooner it was commenced the better.

MR. MACKINNON thought the remarks of the hon. and learned Member (Mr. Roebuck) exceedingly unjust and unfair towards the noble Lord. What would the hon. Member have the Government do—what could they do with this Bill but that which they were doing? This measure, or a nearly similar one, had been recommended by the highest authorities in that House. The right hon. Baronet the Member for Tamworth had recommended it. In fact, the utility of a sanitary Bill, and the necessity for it, was admitted in all quarters; and yet when the Government brought it forward, they were taunted for not abandoning it. Surely nothing could be more unfair. He knew the Bill had many enemies; but he exhorted the Government to persevere with a measure which had been recommended in three Speeches from the Throne, and which was called for by the unanimous feeling of the country. Let them, therefore, go into Committee upon the Bill; and even if they were not to go through with it during the present Session, they would, at all events, have put in the point of the wedge—have established a principle upon which, he trusted, the new Parliament would act, and carry it into full operation.

MR. WAKLEY thought the most advisable course for the noble Lord to pursue would be to state upon Monday next to the House what Bills the Government took an interest in, and which they determined to proceed with; and what Bills would be thrown overboard altogether. Such a course would be conferring upon the House a great obligation; for then hon. Members would know the amount of work which was to be really done, and upon which they were at present completely in the dark. With respect to what had been said by the hon. Member for Bath, he thought there was much point in his observations; but at the same time, he must say that he felt indebted to the Government for bringing forward the Health of Towns Bill, and trusted they would go on with it, and endeavour to pass it into law. In his opinion, the Government deserved the public thanks for pushing it forward, and would, even if unsuccessful in their efforts, be entitled to the public gratitude. There might be good objections to the machinery of the Bill; but he thought there was nothing in the details which could not be modified and amended in Committee. He would conclude by again expressing a sincere wish that the Government would not abandon this measure, and, unless overpowering difficulties presented themselves, to persevere in the laudable resolution to which they had come.

MR. G. PALMER said, that although he sincerely desired to see the object of the Health of Towns Bill arrived at, he must say that the measure before Parliament proposed to accomplish that end by such unconstitutional means, that he could not support it. The most arbitrary and unconstitutional power was given to an individual nominated by the Crown—a power which completely nullified several Acts of Parliament which had been formerly passed for the protection of the property with which this Bill was to interfere. Then the property upon which this inspector reported was to be handed over to a town-council or a board, and by them dealt with as they thought fit, the proprietors having scarcely a voice in its valuation or further disposal. Why not leave the matter to be managed by the town-council, with the consent of the parties? They had acted in this way with gas companies—why not with water works, where the property amounted to several millions in value? Why should the management of such valuable property be intrusted to a parcel of tradesmen, who, in many instances, knew nothing whatever about it? If the compulsory clauses of the Bill were left out, he should have no objection to support it; but if they were to be included, he considered them to be of so arbitrary, unjust, and unconstitutional a character, that he should feel it to be his duty to give the measure all the opposition in his power. It was something new in legislation to pass a Bill empowering the parties taking the property of others to take it not upon the terms of the owners, but upon the terms which those parties themselves thought fit. It was surely hard upon owners, after investing immense sums of money in large, useful, and expensive undertakings, to be deprived of those undertakings at the very time when they might hope to derive some profit from their investment.

Mr. HUDSON thought the noble Lord should have told the House what Bills the Government intended to proceed with tomorrow. Some hon. Members were engaged in transactions of importance upon the Saturday, and had engagements which they could not dispense with; so that, from want of due notice of the wish of the Government, they must either run the risk of omitting to discharge their public duty, or break up their arrangements. He entirely agreed with his noble Friend (Lord G. Bentinck) in this respect. He thought it a great pity that the noble Lord (Lord Duncan) had withdrawn his Motion respecting the window tax, which was one of great importance, particularly as regarded the health, the comfort, and the enjoyment of the poor; and upon the whole a subject which might be discussed with a much greater prospect of practical advantages than that now before the House. It certainly was a singular time to bring a measure of so much magnitude under discussion, when they were on the very eve of a dissolution, and every day expecting to be sent before their constituents.

Mr. DIVETT thought this was an ill-considered Bill, and that it involved provisions of a most unconstitutional and arbitrary character. He held in his hand a petition from a rural parish near Exeter. The petition set forth that the inhabitants of this town had, at a considerable expense, got up a good system of drainage; but if the present Bill were to be passed, the parish he spoke of would be included in the corporation of Exeter; the waterworks would be taken into the hands of the corporation; and the inhabitants of this rural town heavily taxed for that which they had at present at a comparatively cheap rate.

Mr. PROTHEROE trusted that his hon. Friend who had just sat down, and who entertained such objections to the Bill on behalf of Exeter, was at least ready to state that Exeter was prepared to meet the cholera, which, when it visited England, was worse in Exeter than any other town. For himself, he must say that he had received communications from his Yorkshire constituents to give this Bill his most strenuous support; and, in fact, the only complaint he had to make of the noble Lord who had charge of it was, that he had not included the city of Westminster in its operation. The stinks, the foul air, and the malaria in that city, among which it was his misfortune to live, caused him deeply to regret that the noble Lord had not included in his Bill the cities of London and Westminster.

Mr. DIVETT denied the charge brought against the city of Exeter by the hon. Member.

Mr. BUCK also vindicated Exeter from the charge brought against it, and said there was scarcely a town in the kingdom where such large sums were spent in the improvement of the place. He complained of the noble Lord for bringing in a measure of such an unconstitutional character, which would put a large proportion of the agricultural districts under the municipal authorities, or under the power of commissioners appointed under this Bill. The same thing was done at the passing of the English Municipal Bill; and though a Boundary Bill had been introduced to exempt the small districts in the neighbourhood of towns from the pressure of municipal burdens, yet the town interest had been strong enough to prevent that measure from passing. He, therefore, trusted the agricultural interests would persevere in their opposition to this Bill, unless the noble Lord would undertake to exempt from the operation of this Bill all lands in the neighbourhood of towns which derived no benefit from the operation of the Bill.

Viscount MORPETH said, there was nothing in the Bill which was intended to include the rural districts, or that would affect the landed interest in any way. The only extension of the Bill bearing upon this subject was intended merely for the purpose of including those streets and buildings which might be outside of a town; but there was no intention whatever to include the rural districts themselves.

Mr. BROTHERTON expressed the sentiments of a large body of his constituents when he said that he hoped the noble Lord would proceed with his Bill. It was a useful measure. No objection was made to it except on the part of certain water companies; and he believed that the Bill had been so modified as to meet even their wishes. It would tend to promote the health and comfort of the inhabitants of large towns; and when it was recollected that Dr. Lyon Playfair had stated that the loss created by sickness and death arising from causes which might be prevented amounted in Manchester and Salford alone to not less than 1,000,000*l.* sterling annually, he thought that no one would wish to avoid any little trifling taxation, for the sake of accomplishing so important a benefit. He was not aware that this measure had any application to the rural districts. Hon. Members connected with those districts were very sensitive; but he could tell them that in the suburbs of large towns landowners had derived great advantages from the industry of their neighbours, and he knew cases where landowners had their incomes advanced from 5,000*l.* to 20,000*l.* a year, without doing a single thing to promote the welfare of the inhabitants by whom they were so much benefited.

THE JUNTA OF OPORTO—EXPLANATION.

Mr. BORTHWICK had given notice to the noble Lord the Secretary of State for Foreign Affairs of his intention to call the attention of the House to a matter relating personally to himself in connexion with an important subject which had been lately under discussion. It would be in the recollection of the House that the right hon. Gentleman the Member for Edinburgh, at the close of his brilliant oration, had stated, with reference to certain allegations he had made, that no distinct notice had been given to the Junta of Oporto—that their vessels ran the risk of being taken if they crossed the bar of the Douro—that no person, who had the means of knowing the facts, could deny conscientiously that full notice had been given to the Junta. The right hon. Gentleman had also said, that the bearing of his (Mr. Borthwick's) statements cast a serious imputation upon the character of the British officers who commanded the military and naval forces. The right hon. Gentleman read extracts from two letters; and when he heard those letters read to the House, he certainly thought it did appear that there was no fair ground for the allegation he had made; and a subsequent communication with the noble Lord (Lord Palmerston), who had courteously shown him the originals, justified him in the acknowledgment he had made that he had been misinformed, and that some notice had been given (not a categorical notice) to the Count das Antas and the Junta, that if the ships left Oporto and put out to sea, they might be taken by the British forces. He put the noble Lord in possession of the name of his informant—a person of high character and position, and who was incapable of stating what he did not believe to be true. That gentleman had addressed to him the following letter:—

"20, Suffolk-place, Pall Mall,
June 15, 1847.

"Sir—I observe in the morning papers of this day, that you stated in the House of Commons last night your apprehension that you had been misinformed respecting the notice to the Oporto Junta given by any British authority in Portugal, that the English squadron off Oporto would capture any vessels of the Junta that should come out of that port.

"It behoves me, therefore, to call your attention to what was meant to be conveyed to you on this subject, which was, that the Junta had not been warned in a positive and categorical manner of hostile interference of Her Britannic Majesty's ships against those of the Junta, but only had the warning of the probability of their ships being stopped, as can be seen by a perusal of the documents published in the *Times* of the 5th instant.

"I have to request of you the particular favour of mentioning this explanation of mine as publicly as you expressed your fears of having been wrongly informed, for which I shall feel much obliged.—I have the honour to be, Sir, your most obedient humble servant,

"A. C. DE SA NOGUEIRA.

"To P. Borthwick, Esq., &c."

He was prepared, after reading this letter, with a full knowledge of all the facts of the case, to reassert in the fullest and strongest manner every word he had asserted on the occasion to which he referred. He did not mean to say then (if he was understood to say so, he was ready to explain his meaning) that any scheme had been laid for entrapping the force of the Junta. He was sure that the character of the British officer in command of Her Majesty's ships stood sufficiently high to obtain for such a statement the indignation of the House. But he again affirmed that no categorical and distinct notice was given to the Junta, that if their ships did cross the bar and put to sea, they would be captured by Her Majesty's forces. He would read the letters upon which the right hon. Gentleman had relied. The first, dated the 23rd of May, was from Captain Robb to Senor Passos, Vice President of the Junta:—

"Having transmitted to your Excellency, through Her Britannic Majesty's Consul at this place, the wishes of Her Britannic Majesty's Minister at Lisbon, relative to a cessation of hostilities until the delivery of a letter with which I am charged for his Excellency the Conde das Antas, and having received no reply to that letter, I have the honour to acquaint you that I am commissioned by Vice Admiral Sir William Parker, Bart., G.C.B., that if any demonstration is made on the part of the naval forces of the Junta of quitting the Douro, to warn the Junta of a probability of their being stopped by a British force, wherever it may be met with."

So that the notice was of "a probability of their being stopped by the British force." The right hon. Gentleman had likewise read the reply to this letter, which was as follows:—

"The Provisional Junta of Government is not bound by any pledge which prevents them from employing their land and sea forces in the manner they think fit for the success of the just cause which the majority of the nation sustains; and they do not nor cannot acknowledge a right in any foreign Cabinet to interfere in the internal affairs of the country, and still less the right of its determining the employment of its armies. It is therefore that the undersigned sees with much regret that your Excellency declares, in conformity with the order of Admiral Parker, that in case the national squadron leaves this port, it will probably be detained by a British maritime force. The undersigned, in the discharge of his duty, feels called on to signify, that any act of hostility on the part of the British ships against the ships of war of the Junta, which have committed no wrong against foreigners, but, on the contrary, have observed strict order towards the Government and subjects of Her Britannic Majesty, and of all allied and friendly nations, would be unjustifiable in the eyes of Her Britannic Majesty and of Europe, as nothing can justify foreign intervention in questions absolutely internal and administrative of this nation. Let what may be the resolution you take in virtue of the instructions of your superiors, the officers of the national marine will obey the orders given them by the Junta, and fulfil their duties in a manner which must merit the applause of civilized Europe."

That was the answer of the Vice-President of the Junta to Captain Robb—an answer which distinctly and clearly pointed out that the writer of that answer, aware of the friendly alliance subsisting between Great Britain and Portugal, could not believe it possible that the ships of the Junta would be seized by the British squadron on their leaving the Douro. The next letter the right hon. Gentleman (Mr. Macaulay) referred to was a letter dated Oporto, May 25, and was addressed by Jose Da Silva Passos to Mr. Johnston, the British Consul at Oporto, the object of which was to ascertain categorically the views of the Government of Great Britain upon this point. He wrote:—

"The Provisional Junta of the Supreme Government of the kingdom cannot believe that such an intimation [that was, the probability of the stoppage of the ships] was given under the instructions of the Government of Her Britannic Majesty, it not having been delivered in writing to the commander of the steamers of the Junta. For that reason the Supreme Junta instructs me to ask from you an explicit declaration respecting so extraordinary a circumstance, and to inquire from you if the Government of Her Britannic Majesty has ordered its naval forces to treat in an hostile manner the ships of the Portuguese nation which are under the orders of the Provisional Junta; and if, in case the latter do not obey the verbal instructions, delivered as above, the British forces are instructed to fire on our squadron? Until you favour me with an answer to this note, the Junta cannot reply to your request respecting the armistice."

The answer given to this was dated—

"British Consulate, Oporto, May 25.

"I hasten to assure your Excellency that Sir Thomas Maitland, knowing the probability of the ships of the Junta being stopped, in the event of their proceeding to sea to carry on warlike operations, and perceiving that both of the Junta vessels off the bar had their steam up, sent a message to their commander, earnestly to beg and entreat him, in a friendly way, not to proceed to sea, but rather to enter the Douro, and remain there for a few days, until communications could be received from England; and that the reason why this application was not made in writing was, that it was a friendly message, sent with the design of preventing the possibility of the disagreeable consequences which he, and all the officers of the British Government, are anxious to avoid."

It was a friendly message sent, advising them not to leave the Douro, and not put out to sea; because there was a probability that the ships might be taken, and they were, in the mean time, advised to cease for a specific period from all warlike operations, as there was a probability of an armistice being agreed upon. But while the Junta was thus called upon to cease making preparations for war, the so-called Queen's forces were permitted by the British Government, or rather by the influence which that Power possessed in Portugal, to proceed with all warlike preparations on their side. The Junta, regarding Her Britannic Majesty's Minister as an impartial mediator, would not believe that he was not dealing out to the Queen's forces the same threat which he had sent to them, and that he had not said to both parties, "Be still for a time until we can make up the differences between you." In every letter the word "probability" was repeated; and it was constantly reiterated that our friendly assurances were to be relied upon. But it was not a friendly assurance to tell a man that if he left his house you would shoot him. But he would not enter into the subject, because if he did, he might send the right hon. Baronet the Member for Dorchester home to his dinner again. From the absence of noble Lords and right hon. Gentlemen opposite on the same occasion, he first imagined that they, too, were gone home to their dinners, instead of watching in their places the business of the nation, forgetting that Her Majesty's Ministers never dined but twice a-year, when, after having silenced the small fry here, they went to Greenwich and disposed of the small fry there. But on the present occasion he thought he had a right to obtain from the noble Lord the Secretary of State for Foreign Affairs an admission, in the name of his right hon. Colleague (who was not present), that that which the right hon. Gentleman had imputed to him, or to his informant—the having consciously mis-stated the fact—was not correct; and that the statement was not a conscious mis-statement, nor any mis-statement at all, but that the facts stated in the letter which the right hon. Gentleman (Mr. Macaulay) relied upon, were in direct unison with the letter and statement which he read to the House, which was, that no categorical statement was made to the Junta from which they had any right to calculate that their ships would be stopped. On the 26th May, Conde das Antas wrote to Sir H. Seymour thus:—

> "The Junta has not refused to consent, as your Excellency affirms, to the proposals which were made to it. On the contrary, it deemed them, in their opinion, to be acceptable and opportune; but it saw that they would easily be eluded if they were not accompanied by explanations and elucidations necessary to guarantee them. Accepting the principle, it did no more than deduce the consequences which it sees, not without great surprise, condemned. And if, in fine, there was anything in its answer which appeared unreasonable, no doubt could exist that it might be again considered as soon as a Ministry deserving the confidence of the throne and country should be named. In politics, words signify nothing without the means of execution; and this Junta would have acted very indiscreetly, if it had endangered the present and future happiness of the country to vague promises, always easy to be eluded."

The Junta felt that, if they complied with the request of Her Majesty's Government without having a guarantee that the same conditions would be imposed on the Queen's forces, they would do their cause very great and serious damage. He considered he had now established his right to re-assert that not only was there no positive declaration of war made to the Junta, but that there was no ground for their knowing whether their fleet would be attacked or not. He wished to ask the noble Lord two questions: the first was, whether in compliance with the spirit of the intervention, the noble Lord had called upon the Government at Lisbon to send out any ship to bring back Comte Bomfin and his fellow-prisoners, or as many of them as were now alive and capable of traversing the ocean? The other question, and which he conceived to be a very important and pertinent one, was whether the Government of Portugal had agreed to the withdrawal of the Spanish force which was advancing into Portugal, and whether if that force had received the command of the Spanish Government to return, it was in such a state of discipline as to be able to obey that command?

Viscount PALMERSTON: Mr. Speaker, the controversy which the hon. Gentleman has been carrying on with my right hon. Friend, about any notice having been given to the Junta, seems to me rather a discussion as to the meaning of words than as to the fact. For the hon. Gentleman has entirely restated the fact on which my right hon. Friend founded his assertion; and the only question between them is, whether the announcement made to the Junta was or was not sufficient to convince any reasonable man that there was danger in the ships going out of the Douro? I entirely agree with my right hon. Friend, and think that the notice given to the Junta was complete. But the hon. Gentleman has altogether passed over one fact which was distinctly stated by my right hon. Friend—namely, that a previous notice had been given to the Junta. The hon. Gentleman says that there was no declaration of war. Why, as to a formal declaration of war from the Three Powers to the Junta at Oporto, that I must say was not exactly a thing to be expected. But surely the hon. Gentleman forgets that on the 15th of May, Colonel Wylde and the Marquess de Espana, having gone to Oporto in order to communicate with the Junta certain articles on the part of the Queen, and having received from the Junta a refusal, unless there were coupled with those articles ten other articles which were totally inadmissible, Colonel Wylde made a formal communication to the Junta, of which this is a part:—

> "May 15th, 1847.
>
> "I have, therefore, no alternative but to announce to the Junta that the British Government, in concert with the Allies of Her Most Faithful Majesty, will forthwith take such steps as they may think most proper for affording effectual assistance to the Queen of Portugal in re-establishing tranquillity in her dominions."

That was a declaration of hostility; it was a declaration announcing that effectual steps would be taken. It must be manifest that, the Junta having refused the conditions proposed, the only effectual steps that could be taken were the employment of force. [Mr. BORTHWICK: They did not refuse the terms of the Allied Powers.] Colonel Wylde and the Marquess de Espana considered their answer a refusal; and under the conviction that it was a refusal, the announcement was made to the Junta by Colonel Wylde in the words I have just read. It having come to that, the British Consul, Mr. Johnston, addressed a letter to Senhor Passos. The hon. Gentleman has read that letter. It was in answer to a letter from Senhor Passos, who was desirous to have in writing the substance of a verbal communication previously made to the commander of the naval forces of the Junta. Now, what did Mr. Johnston say? It is dated Oporto, May 25th, and runs thus:—

> "Oporto, May 25th.
>
> "Excellent Sir—I have the honour to acknowledge the receipt of your Excellency's letter of this day's date, upon the subject of a message sent to the commander of the naval forces of the Junta, by the commander of Her Britannic Majesty's naval forces off this port, Sir Thomas Maitland. As Sir Thomas Maitland was with me when I received your Excellency's letter, I immediately communicated it to him; and, agreeably to his wish, I hasten to assure your Excellency that Sir Thomas Maitland, knowing the probability of the ships of the Junta being stopped, in the event of their proceeding to sea to carry on warlike operations, and perceiving that both of the Junta's vessels off the bar had their steam up, sent a messenger to their commander, earnestly to beg, to entreat him in a friendly way, not to proceed to sea, but rather to enter the Douro and remain there for a few days until communications could be received from England; and that the reason why this communication was not made in writing was, that it was a friendly message sent with the design of preventing the possibility of disagreeable consequences, which he, as well as all officers of the British Government, is anxious to avoid."

I think, Sir, that when the commander of a British ship of war desires those who have the direction of other ships, in a most friendly way, to avoid the disagreeable consequences which would occur if they went out to sea, and intimated to them the probability that if they did go out they would be taken, I think that is an announcement which any man of common sense would consider as a distinct communication—consistently with that courtesy which is usually observed between parties where no actual hostilities exist—that in a certain contingency hostile steps would be taken. I should like to know, when two gentlemen in private life were at issue on some point, what would be the course pursued if one of them said to the other—"My dear Sir, if you do so and so, there is a great probability that I shall knock you down; I therefore must, in the most friendly spirit, give you this notice, in order that you may avoid the most serious consequences that in all probability will follow." I think the gentleman who, after such "friendly advice," happened to be knocked down, could hardly pretend to say that he was without at least some warning, that if he did "so and so," such a proceeding would ensue. The hon. Gentleman has asked whether any information has been received of the intention of the Government of Portugal to send out a ship to bring back the exiles? No such information has been received. I suppose at the time when the last despatches were sent out, the British Minister had hardly the means of ascertaining from the Portuguese Government what were their intentions. But I have the satisfaction of saying that I was informed this afternoon by the Minister of Portugal that he had received information from Paris, that on the

10th of this month the Portuguese Government did issue a full and complete amnesty, being the fulfilment of one of the conditions proposed by the Three Powers. That amnesty was issued at a time when the Queen's Government at Lisbon had not received any communication informing them of the submission of the Junta. I think that may be considered as a proof that the Government of the Queen of Portugal is determined to act in a fair and honest spirit, and in accordance with the true purport of the agreement to which they have come. This intelligence was communicated by telegraphic despatch to-day. With regard to the Spanish troops, we have no information of their having actually entered Portugal, with the exception of that very small detachment which went to Valenza, and removed the guerillas then in the immediate neighbourhood of that place. But the other detachment was not to enter the Portuguese territory till the 10th; and, no account having been received of their having entered it, I think it probable, that if their advance is delayed for a few days, they will hear the turn which things have taken at Oporto; and then, in all probability, their progress will be stopped.

THE ANDOVER COMMITTEE—MESSRS. VILLIERS AND CHRISTIE.

Mr. VILLIERS hoped, as the House had just submitted to listen to questions of a merely personal character, they would indulge him for a few minutes whilst he also explained a matter that was personal to himself. He was extremely sorry to interpose for a moment, in proceeding to the public business; but as it was the first it was the most fitting time he could take to set himself right with the House upon a matter of difference which had occurred between himself and the hon. Member for Weymouth — upon a matter of fact, on the previous evening. It related to what had taken place during the sitting of the Andover Union Committee. The hon. Member had stated distinctly that he (Mr. Villiers) had made a statement to the House which was untrue; and when he expressed his belief that he was correct, the hon. Member interrupted him, in what he thought was an unparliamentary manner. He was anxious to show that he was right; and if, in the warm manner he had replied to the hon. Member, there was anything unbecoming, he was extremely sorry, and he begged to express his regret to the Speaker of the House. He had stated that he had objected to the manner in which the hon. Member for Weymouth had conducted the examination of Sir Frankland Lewis; and he had said that the hon. Member had attempted to examine Sir F. Lewis upon a matter that was of a private rather than a public nature. The hon. Member had said there was no truth in that assertion; that he had been misled by an incorrect report in a newspaper; and that the statement was neither verbally nor substantially correct. As he was coming into the House that evening, he received a letter from Sir F. Lewis, containing a statement of what had occurred on the occasion in question. It stated the substance and the words which the hon. Member for Weymouth had distinctly denied having put; and it went on to state that several Members of the Committee had objected to the question being put, and that the writer (Sir F. Lewis) had most earnestly desired to be allowed to answer it. The room, however, was cleared; and on the re-opening of the business, the hon. Member (Mr. Christie) put his question, but in a different form from what he had at first proposed, which was—

> "When you ceased to be a Poor Law Commissioner, was it after an arrangement had been made that your son was to succeed you?"

Being resolved to leave no doubt upon the subject, he (Mr. Villiers) had, previously to the receipt of Sir F. Lewis's letter, referred to the report which had been published in the *Times* newspaper on the day after the examination, and it ran thus:—

> "Mr. Christie: Did you not leave the Commission on an arrangement that your son should succeed you?
>
> "Sir F. Lewis (under great excitement): I particularly wish to answer that question.
>
> "Mr. Wakley: I think it ought to be answered.
>
> "Here four or five Members of the Committee began to speak all at once, and much confusion having ensued, Mr. M. Sutton, the Chairman, and other Members, proposed to clear the room.
>
> "Sir F. Lewis: Oh, pray let me answer the question. I entreat, for my honour, that you let me clear up this point.
>
> "Mr. Sheridan: Yes, but we had better clear the room first.
>
> "Sir F. Lewis: I entreat you let me answer it.
>
> "The Chairman and Mr. M. Sutton: We had better have the room cleared.
>
> "Sir F. Lewis: Oh, let me answer it—pray, let me answer it.
>
> "The room was cleared notwithstanding Sir F. Lewis's very earnest appeal, delivered in a tone which left no doubt of his earnestness, but which caused a great deal of laughter. On the return of parties,

> "The Chairman said, the Committee were unanimously of opinion that he should have an opportunity of giving what answer he liked."

That was considered an authentic account of what had taken place; but he had referred also to the official report made to that House of the evidence. It ran thus:—

> "When you ceased to be a Poor Law Commissioner, will you inform the Committee whether you ceased upon an arrangement being made for your son to succeed you? In putting that question, I am anxious to explain to you that I do not refer to any arrangement which might not have been made with perfect propriety, and without any imputation against either you or your son. The only object of the question is to ascertain, whether, on the appointment of your son, upon your retirement, you ever cautioned him against Mr. Chadwick?"

What related to the objection on the part of the Committee to the original question, was of course omitted from the Parliamentary report; but the House would see that there was no connexion between Sir F. Lewis's giving up his place as a Commissioner, whether in favour of his son or not, and his warning him against Mr. Chadwick; and it would see that the hon. Member had actually put the question, which involved the matter which he said related to private and not public affairs. His object was to set himself right with the House, and to show that what he had stated was true.

THE HEALTH OF TOWNS BILL.

Order of the Day for going into Committee upon the Health of Towns Bill read.

On the question that the Speaker do now leave the Chair,

Colonel SIBTHORP moved that the House should resolve itself into a Committee that day six months. He objected to every part of the Bill. He objected in the first place to the appointment of Commissioners under the patronage of the Government, particularly with the speedy prospect of a general election before their eyes. He objected also to their being salaried, entertaining a strong feeling that if they had not patriotism enough to give their services for the good of their country, they were utterly unworthy of so important a trust. He objected also to the appointment of three inspectors. These things led to a great deal of bribery of a peculiar kind; and he had served long enough in that House to be extremely jealous of all Governments, whether Whig or Tory. They all could, and did, do a great deal behind the scenes; and there was a great deal of secret service money spent. But it was most indecent and improper to hurry on a Bill of this sort so late in the Session, when it could not be properly considered. He also objected to the Bill, in consequence of its not including the metropolis. There were many important towns in the kingdom, with scarcely an exception that he knew of, that were equally pure as, or rather a good deal more pure than, the metropolis; and he could not see why it should be pushed out of the Bill so suddenly. Why, was St. Giles's—the immaculate St. Giles's—to be deprived of this advantage? He recollected well, that when the great change in municipal corporations was contemplated, the Lord Mayor and Aldermen of London arose and exclaimed, "Beware how you meddle with us! If you do, no more turtle, and venison, and champagne for you. We are a very important body." And so the matter dropped, and the corporation of London was left in *statu quo*. The first duty of a Government should be, he thought, to act impartially to all; and he objected to this Bill that it was not based on that principle of impartiality. He was also opposed to it on the ground of the expense which it would impose on the country, and of the improper period of the Session at which it was brought forward, and at which it was impossible the measure could receive that consideration from the Legislature which the importance of the subject required.

Mr. WILLIAMS thought the inhabitants of the places near Coventry had taken unnecessary alarm at this Bill, as it would not affect them. He fully concurred in the objection urged by the hon. and gallant Member for Lincoln against the Bill, on the ground of the metropolis being excluded, being of opinion that there was no part of the empire in which its application was more needed; and he still entertained the hope that the noble Lord (Viscount Morpeth) would be induced to include the metropolis in the operation of the Bill. He did not believe that he would encounter any opposition in taking such a course, now that the grounds of opposition which existed to the former measure had been removed. If London were included in the Bill, he should give it his cordial support.

Mr. NEWDEGATE was afraid the neighbours and constituents of the hon. Member had good reason for differing from him on the subject; they had taken good legal advice upon this measure, and had been informed that the words "towns and districts" were used almost convertibly in the earlier clauses of this Act; that any district which came under the operation of an Order in Concil was to be deemed a town for the purposes of the Act; and that so large a discretion was given to the Commissioners that there was nothing like a clear definition of the places which would come under their control. He objected to the Bill on the ground that it involved a principle which had recently been called the "tentative principle," or, in other words, the principle of getting in the narrow end of the wedge. He objected to the establishment of a commission, and to the issuing of Orders of Council which, during the recess of Parliament, would have the force of Acts of Parliament, and which would impose taxation upon those who had been before exempt, and for purposes from which they could derive no benefit. How unjust it would be that the agricultural districts around Coventry should, by one of these Orders in Council, be put upon the same terms and taxed in the same manner as Coventry itself; for what benefit would they derive from lighting, and watering, and paving the city of Coventry? Yet there was no limit to the discretion of the Commissioners. There was nothing whatever to limit the discretionary power of the inspectors; but he did not object to the Bill merely on that account; he objected to it on the ground that it usurped the powers which were now placed—and which ought to continue to be placed—in the hands of the municipal authorities. Instead of this, a new authority was proposed to be istroduced totally foreign to every principle of the English Constitution. In the United States he was told that there were very strict provisions relative to the matters treated of in the Bill now before the House; but he should like to see any Minister of the United States propose to introduce such an interference with the rights and duties of municipal authorities as was proposed to be introduced into England. He did object to such tentative policy, because he regarded it as a departure from the free principles of the British Constitution, and a gradual usurpation, behind the backs of Parliament, of the power which ought to belong to the representatives of the people, and one step more towards the adoption of the continental system of centralization, to which he was decidedly opposed. He objected to it on the ground of the espionage which it would introduce; and he would earnestly entreat the House not to allow the wedge to be introduced at all, especially under present circumstances. By the measure it was proposed at one sweep to clear away boards of commissioners which had frequently been instrumental in conferring great advantage on the communities which possessed them, and that too without the slightest fault being alleged against them. It was provided that the moment the inspectors made an unfavourable report on the state of matters entrusted to commissioners, that then the functions of the local boards should cease, and be at once transferred to the town-councils. That was the bait which was held out to the town-councils; but he was happy to say that these bodies generally were too well aware of the consequences of taking this bait to allow the apprehension to be entertained of their swallowing it. Consider this also: by the provisions of the Bill powers might be taken for all purposes; and he would ask the noble Lord to say whether the powers to be so taken would not include the administration of justice—whether, as the clauses stood, districts annexed to boroughs would not be removed from the county magistracy, and placed under the municipal magistracy? [Lord MORPETH: Yes, they will.] This was another startling exhibition of the tentative policy. Not only was provision made for the management of sanitary and other matters, but by the general terms of the Bill the House was called upon to disturb the criminal administration of he knew not how many large districts of country. He must say that he could not but look upon this measure as a disguised attempt to bring about changes in the institutions of the country of a kind and to an extent of which the people were little aware. He trusted, however, that the Members of the House of Commons who held popular principles would support him when he said that the institutions of England should not be so changed behind the backs of Parliament. Let the House adhere to the great principle of making such powers as those contained in the Bill emanate from Parliament alone. No man entertained a higher regard than he did for the prerogative of the Crown, or would do more to support and maintain its just rights; but he would assert that it was a dangerous thing to allow Ministers to interfere in the way proposed with the administration of criminal justice. He trusted the House would not proceed one step further in such a course of policy till a future Session, when it might have become fully aware of the consequences of the step it was called upon to take, and be in a position to limit the powers to be invested in the respective parties.

Mr. ROEBUCK could not altogether understand the new-born principle of popular feeling on the opposite side of the House. He was extremely jealous of it. [An Hon. Member on the Opposition side of the House: Hear, hear!] That cheer perfectly explained the hon. Gentleman's notion of his jealousy. The hon. Gentleman fancied that he was hunting for popularity. He was not; and he did not think the hon. Gentleman would gain his own object by his course. But this Bill was a very important one. It had been introduced for the benefit of the majority of our fellow-countrymen, and deserved to be considered without regard to any claptrap politics. The hon. Gentleman the Member for Warwickshire objected to it because it introduced the principle of the continental system—the principal of centralization. But, if centralization were fairly explained, it meant persons carrying into execution certain duties under immediate responsibility to Parliament. He thought that the noble Lord deserved the thanks of the country for attempting by this Bill to unite all the scattered and disorganized elements, and consolidate them into one measure for the general benefit. But there was one district which was distinguished above all others for the density of its population, and for its numerous applications for legislative interference. If he were asked to put his finger upon the centre of the district, he should place it on St. Paul's Cathedral, and should sweep a circle of about thirty miles around it, giving a population of upwards of 2,000,000. Now, London differed much from Manchester, inasmuch as the population of the latter was comparatively new, and the interference of the Legislature in the town had been small and unimportant; and, consequently, the variety of laws requiring consolidation did not apply so much to Manchester as to London. He had every desire to support the noble Lord, to admire the boldness of his attempt, and to assist him in his benevolent intentions; but he found the gallant Knight suddenlyt errified with the very phantom of the evils he was about to consign to oblivion; and which the more formidable it became, made him the more afraid. The noble Lord had gone to Bath, and there he found pestilence; he had crossed to Manchester, and pestilence was there also; he rushed to Birmingham, and there all the abominations—no matter of what description—could not resist his interference; he then swept round to London, and there, frightened by a phantom, he struck his flag, and cut— [An Hon. Member: His stick.] Yes, and cut his stick! The vernacular was the fittest language for describing the somewhat ignoble flight of the noble Lord. He recollected that, when the Municipal Corporations Bill was brought in, if they had pointed out to them a scene of corruption more foul than another, it was on the other side of Temple Bar. He was not afraid of the other side of Temple Bar; and why should the noble Lord be afraid? He could not suppose that the electors of London had influenced the noble Lord. The noble Lord himself had a most remarkable constituency, living in compact masses. It had been his pleasure, as it was his duty, often to travel through the district represented by the noble Lord; and he had found that Leeds, Huddersfield, and Sheffield — those vast hives of our industry, wealth, and power — were not exempted from this Bill. The noble Lord did not shrink before his own constituency; and yet he would exempt London from the purifying influence of this measure. Why, he would ask, should not he have his sewer inspected, and his gaslights directed, under this Bill? Why should the noble Lord extend his fostering influence over the whole of England except for four miles round London? If such a thing had happended in New Zealand, he should have said, that the excepted place was tabooed. Would it be pretended that the corporation of London was distinguished by perfection — that the city was free from all filth and impurity? But there seemed to be something in the old associations of the city which struck terror into the Treasury bench. Let a Bill be brought in which affected the corporation, and the next thing would be a civic banquet, and Her Majesty's Ministers sitting down at the social board receiving all sorts of incense; and then noble Lords and hon. Gentlemen would get up to praise the city of London, well knowing in their hearts that if there was a corrupt place in this country it was that city of London. The noble Lord (Lord Morpeth) had spread his net wide; why was it cut, and this great fish let out?

He (Mr. Roebuck), at least, would not act the part of the mouse, but would rather assist to reconstruct the net. Let not hon. Members be led away by the name of the city of London. Time was when it was the centre of all that was great and liberal in this country; and he could look back with pride upon that era when it was foremost in the fight of freedom; but now it was a large mass of individuals bound together simply by the ordinary routine of life — a mass, however, from its very density and immensity, requiring the most sedulous and careful attention of Parliament.

Mr. HORSMAN regretted the delay which had taken place with regard to this Bill. The noble Lord, when he introduced it, assured the House that it was a question of humanity, of morality, of economy; but, above all, he asserted that it was one of pressing necessity and imminent emergency. If, then, the measure itself were pressing, what was the nature of the opposition which had prevented its being proceeded with? Up to the latest reports the whole of the petitions that had been presented against the Bill was 21, with only 287 signatures. For an alteration in the details of the Bill, 16 petitions had been presented with 336 signatures; whilst 105 had been presented in favour of the Bill, with upwards of 32,000 signatures. This was the way of judging whether or no a measure was popular. If, then, it were so popular, and if it were a matter of such imminent emergency, why was it so long delayed? Did hon. Gentlemen doubt the necessity of such a Bill, and that it should be extended to the metropolis? Let him then refer them to a few statistics relative to the graveyards of the metropolis, and then inquire whether such a measure was not required? Before a Committee of that House, which investigated the subject, witnesses stated that in one place 200 feet square, 70,000 persons had been buried within the century, in the graveyard of Enon Chapel, 50 feet by 40 feet, and 12,000 had been buried there since the year 1823; in the Lock chapel yard, only a quarter of an acre in extent, 7,000 persons had been buried very recently; in St. Martin's graveyard, one acre in extent, 14,000 persons had been buried within the last ten years; and in Spa-fields, two acres in extent, 29,000 within the last fourteen years. With these facts before them, the House ought to know what really were the difficulties in the way of a measure which had been before Parliament for seven years, and for which there was such a general demand, and whether those difficulties were of so serious a nature that the ordinary resources of a Government could not overcome them. This measure did not stand alone; the conduct pursued with regard to it was part of a system of vacillation; we seemed to be come to a system of postponement and indifference. The Government had principles, but appeared determined not to face danger or incur risk on their behalf. We had to look in vain for any of that energy and earnestness which the chivalrous character of the noble Lord at the head of the Government led people to expect. All was conciliation and compromise. The Government had "stooped to conquer," and fancied that giving way to an opponent was the surest method of converting him into a friend. They could not at this moment carry any measure which depended upon their strength and vigour, because, by the course they had pursued, they had lost their influence. When the right hon. Baronet (Sir R. Peel) broke up that confederation which had been so mighty, he gave the noble Lord (Lord J. Russell) a strength which a Liberal Administration had never before possessed; and that noble Lord might in a single Session have remedied many mischiefs and evils if he had then taken a correct estimate of his position. But, such was the undecided conduct of the Government, that hon. Members were going to their constituents without the power of giving them any clue to the intentions, any guess of the policy of the Administration. If he (Mr. Horsman) should be asked what had been gained by the substitution of the noble Lord for the right hon. Baronet, he could not deny that he had heard stated more than once—that while under the Government of the right hon. Baronet liberal principles were steadily advancing, under the Government of the noble Lord they had gradually receded. That might be heard in many directions: it was the opinion of a great many persons in that House; and as, in the coming Parliament, the noble Lord would be judged by a different standard from that by which he had been judged in this, he was no friend to the Government, or to Parliament, or to the principles he held in common with the Government, who did not tell the Ministers those truths, by a knowledge of which it might by and by be too late to profit.

Mr. BANKES said, there was no essential difference between his own sentiments and those of the hon. Gentleman who had just sat down, more especially when the hon. Gentleman stated that the right hon. Baronet who was last in office had carried into effect professions which he had not made, whilst the noble Lord had not carried into effect professions which he had made. He agreed also with the hon. Gentleman in thinking, after the large promises which had been made, and the great expectations which had been raised, that it was not a little disappointing to find that the Bill fulfilled none of those expectations, and complied with the requirements of none of the petitions which had been presented on the subject. The petitions which were presented in favour of a measure for the improvement of towns, and the establishment of sanitary regulations, related to a great and general measure; but the measure then before the House was not of that character. The measure excluded from its operations the city of London; but if it were a good and remedial measure, and calculated to be really advantageous, why, he would ask, was any part of the kingdom excluded? If it were a stringent and cogent measure, on the other hand, why should any part have the advantage of an exemption from it? Why did they, in that case, propose to exclude a great and powerful body, like the corporation of London, from a measure which they imposed upon other parts of the country? They had no right to make such an exclusion. Although he was not the representative of London, yet he felt the deepest interest in the character of the city, and he heard with pain many observations which the hon. Member for Bath had made, and many of the assertions which he had cast upon it. He regretted that there was not a single Member for London present to answer the hon. Member for Bath, but that the hon. Member's speech was made at dinner hour—and there was no representative of London present, in consequence, to reply to it. When he objected to the attack of the hon. Member for Bath on the city of London, he felt it necessary to say that he agreed in the general tenor of the hon. Member's speech. That hon. Gentleman had said, that if he had a compass in his left hand, and wanted to describe a circle within which the greatest necessity for sanitary regulations existed, he would place the point of the compass at St. Paul's, and would within that circle include a population of two millions. He agreed with the hon. Member for Bath in thinking that such a densely crowded district required the application of the best sanitary regulations; but according to this Bill the densely crowded city of London, which would be included in that circle, was not to be included in the advantages that such a measure was intended to bestow. He had no doubt that the measure was brought forward with a beneficent intention; but what was the effect of excluding the city of London from its operation? It was this—that the other metropolitan districts said to the noble Lord who introduced it, "If you exclude London from the operation of your measure, why do you not exclude us?" If there was such a general desire for a measure of this nature, why did the representatives of those districts ask to be excluded? If the measure was so desirable, why not include London? Did not the Lord Mayor of London require as pure an atmosphere as the Lord Mayor of York? Or, if the Lord Mayor of London was excluded, had not the Lord Mayor of York a right to ask for a similar exclusion on the part of York and Sunderland? This measure he had no doubt was well intended; but the omission of London was to be looked upon either as an exemption from an evil, or an exclusion from a benefit, and in either case he did not see why such an exemption should be made. The Bill before them was drawn up, he had no doubt, by a very able person—for he was sure the Government would employ none but an able person to draw it up—but it was like some other Bills, drawn up apparently by the same hand, beginning with a provision for the establishment of commissioners and other officers, and then providing for their salaries. He hoped that with such good intentions as the Government had on this subject, they would yet be able to introduce a better plan than that before the House, and one which would give more power to the local authorities. In conclusion, he would say that he believed they would find it impossible to carry the Bill with this exemption of London; but he believed they were pledged to the exemption. If they were not pledged, they could state so to the House, and thus place all parts of the country on a fair and equal footing.

Viscount MORPETH: Sir, although during the course of this discussion I think the Government has been treated not in a very friendly or candid spirit, yet I confess that my anxiety is wrapped up in the measure itself. Since I first had the honour of introducing the Bill, I have been exposed to a good deal of attack; but such must be the fate of every one who introduces a measure like this, which includes so many various and complicated interests, and I have therefore no complaint to make in that respect. I was first attacked for including the metropolis—I am now attacked for excluding it; but I am not sorry that in the first instance I proposed to include it, although I failed in the attempt. In proposing the measure, I included all that I thought the exigency of the case required; and I agree, as fully as any one who made me the subject of censure to-night, that the district now excluded requires improvement and sanitary regulations as much as any part of the country; and if, after all I had heard previously to the introduction of the Bill, any doubts remained in my mind on that subject, they would have been removed by all the representations and remonstrances, and even reproaches, which I have since received, and which have been well calculated to confirm me in my original impression. The hon. Member for Dorsetshire asks me if I am pledged to this exemption of the metropolis? I have already declared in my place in Parliament that it was not my intention to include the metropolis in the measure during the present Session; and I could not in good faith include the metropolis now. I have been asked why I left it out? and in reply I need only appeal to the knowledge of hon. Members of what has recently taken place in this House—to the subjects which have been under discussion, and the time which has been occupied by them, and to state that when I found out—not as the hon. Member for Cockermouth said, that I questioned the equal importance of this measure with any others that have been introduced—for I did not think any of them could go beyond this in importance—but when I found their immediate urgency in connexion with the condition of the sister country, and considered that they would consume so much of the necessary time of the House, that they would not permit me to carry into effect the whole measure which I originally proposed, I reluctantly consented to defer the part of the Bill which related to the metropolis for the present Session. I state the simple truth—the exclusion was caused by want of time. There was not time under the circumstances which I have described, to deal with a matter so complicated as the sanitary state and improvement of the metropolis; and I felt, therefore, that I had no option but to omit the provisions that referred to the metropolis, and to retain the portion which now remains. The hon. Member for Bath says that I have cut my stick. [Mr. Roebuck: No, no.] At all events I have endeavoured to save this brand from the burning. I have been asked why have I not introduced this Session any provision with respect to intra-mural interment? That is a most excellent object; but the period of the Session at which we have arrived, as well as what has passed to-night, convince me that I have enough on my hands; and if I am able to carry the remainder of the Bill during the present Session, I think it will be no mean achievement. So far from objecting to the reproaches which have been directed against me on this ground, I ought rather to invite them; for they will keep public attention alive, and will next Session compel me, or whoever shall more worthily fill my place, to carry out the measure more fully. Those who represent me as deferring the prosecution of the Bill, and abstaining from bringing it forward in its original shape, from any regard for my own leisure and ease, have little idea of the life I have led since last Easter; and I can assure the House that there is only one abiding result fixed in my mind, namely, to do what I can, when I can, and where I can, to promote the great work of sanitary improvement. Beyond any imputation on the Government or me for our conduct in this business, my chief anxiety is with respect to the subject itself; and I can assure hon. Members if they had the opportunity which I have had of receiving letters setting forth the general apprehension which prevails, and describing, I believe I may say, the actual presence of fever and disease in their worst forms in various parts of the country, aggravated by the vice and deficiency of the existing sanitary regulations, in the absence of such regulations as this measure would introduce—if they read the accounts of the loss and waste of health, and life, and happiness and strength, which are going on—not within the portion of society possessed of the means of ease, or persons in the sphere in which we generally move, but persons whose lot is cast in hardships and privations—hardworking mechanics and labourers, living in toil and suffering—if hon. Members had the opportunities of ascertaining the sufferings of those persons from the want of sanitary regulations, they would not object to me for undertaking the responsibility of introducing this measure, knowing, as I do, to what an extent the mischief prevails, and how much sanitary regulations would do to check and prevent it. Let hon. Members only reflect how important it would be to legislate on this subject, and to give the necessary authority, without the delay of another year, for carrying on the inquiries which it would be essential to institute, and for making the requisite plans and surveys which must be preliminary to any plan of general legislation, and which would probably take a year in themselves; so that if we postpone all legislation this year, and do not give authority for making these plans and surveys, we must, I fear, defer for two years any general plan of sanitary improvement. When I last addressed the House I quoted returns made by the Registrar-General from 117 districts in England and Wales, for the quarter ending the 30th September, 1846. I regret to state that the next succeeding return, that for the last quarter, only confirms the accounts which I then gave of the increase of mortality. The Registrar-General states—

> "In the summer quarter of 1846 the mortality was greater than it had been in any quarter of the seven preceding years; and in the last winter quarter, ending March 31, 1847, 56,105 persons died in the districts which make the returns—a number greater than has been registered in any corresponding quarter, and 6,030 above the corrected average. The deaths in the quarter, in all England and Wales, may be estimated at 120,000. Upon the whole, the health of London, like that of the rest of the country, has been below the average; and although the causes are to a certain extent accidental, and as we may hope transitory, it is evident that the health of towns in England is at present stationary, not to say retrograding. It must be admitted that, on the whole, the Health of Towns Bill is an excellent measure, and well calculated to diminish the evils which have been discovered, and of which the effects have been recorded in these periodical returns. It concentrates offices that ought not to be separated in the hands of the municipal authorities, still maintained in close connexion (as they always have been) with the Crown; it seeks to secure water, pure air, and a little sunshine for the inhabitants of cities—now so large, active, and important a part of the population—and to extend to the house and street of the tradesman, artisan, and labourer, a share of the advantages which, elsewhere, are the boon of nature, by the use of means which have been suggested by science, and sanctioned by long experience. 'The reasons of the baleful influence of great towns, as it has been now exhibited, are plainly—first, the irregular modes of life, the luxurious debaucheries and pernicious customs which prevail more in towns than in the country: secondly, the foulness of the towns, occasioned by the uncleanliness, smoke, the perspiration and breath of the inhabitants, and putrid streams from drains, churchyards, kennels, and common sewers.'—(Dr. Price.) The mortality has a tendency to increase as the population increases; but the unhealthful tendency can be counteracted by artificial agencies; in other terms, the mortality of cities in England is high, but it may be immeasurably reduced."

Now, though we have omitted London from the provisions of this particular Bill, I trust when the opportunity is given to the House to legislate for the remaining towns of England, that the House will not refuse to take such means as lie open to them to reduce that mortality which those who have the best means of ascertaining the facts state can be immeasurably reduced. The petitions on this subject have been referred to. The hon. Member for Dorsetshire treats them lightly, and says that they do not refer to the Bill now before the House; but, at all events, the petitions from the country do not refer to the state of the city of London: they would naturally look to themselves; and it is from the towns and districts of the country that petitions proceed in favour of a measure which does refer to them, though not to the city of London. The provisions in the present Bill were announced as intended to apply to corporate towns in the country, and they remain in the Bill still. Of the petitions which have been presented in favour of the Bill, there are, from corporations and commissioners, 13; from clergymen, magistrates, and religious communities, 28; from inhabitants of towns, 47; from medical men, 30; from working men and operatives, 6; and from associations, 43: in all 187. This analysis comes up to the month of May; but up to the present time there have been 220 petitions presented in favour of the Bill; and the total number of petitions presented against it have been only 22. I trust that this preponderance of petitions in favour of the Bill, and the almost total absence of petitions on the other side, will serve to show in what direction the public opinion of England, as respects those quarters which will be affected by the Bill, manifestly points. A resolution has been forwarded to me, which was passed by the Health of Towns Association of the Metropolis. I do not know whether my right hon. Friend the Lord Mayor of York thinks proper to depreciate that body; because I can assure him that it consists of men of the greatest talent and information, reckoning among its members many of the clergy and of the medical profession, and others who are particularly well qualified to judge of the benefits that would be derived from the present measure. The resolution states—

> "That it is desirable that the attention of Parliament be especially called to the important fact, that the clergy and members of the medical profession, who, from their intercourse with the poorer classes residing in the metropolis and large towns, are peculiarly well qualified to judge of the benefits they would derive from the enactment of a general sanitary measure, have very generally petitioned in favour of the Health of Towns Bill now before Parliament; and that among this number are the most distinguished physicians and surgeons in the kingdom, including the presidents of the Royal College of Physicians and the Royal College of Surgeons of London, the medical and surgical officers of the metropolitan hospital, and the faculty of Glasgow."

Now, although I have no doubt that sordid motives have sometimes been attributed to those who have taken a leading part in promoting this measure, and it has been stated that they are desirous of getting places under the arrangements which it will be necessary to make by this Bill, yet I am sure that the president of the College of Physicians, the president of the College of Surgeons, and the members of the different medical faculties of the country, are utterly incapable of being influenced by sordid motives. I do not now, in seeking the consent of the House to go into Committee, think it necessary to refer to the special working of the different provisions of the Bill. I trust that when the time comes for doing so, I shall be able to show that though the Bill does enact that there shall be a general and special superintendence, it does not seek to supersede or paralyse local agency, and that the great object of the Bill is not to deter, but to assist, local exertions by central wisdom and experience. I trust that I shall show that though these superintending powers have been placed in one body, it is because it must be manifest from all experience that powers of this kind can be only exercised by one controlling management; and I hope to be able to show, that, with respect to waterworks companies, though the Bill allows a compulsory purchase of them, their claims have been regarded with special consideration, as is, indeed, admitted by themselves. I shall be ready when we go into Committee to consider and discuss all the special clauses and provisions of the Bill, and to see if they can be properly amended; and I hope the House will not refuse to take that preliminary step, but will proceed to the consideration of the Bill with an anxious desire to work it out and make it effect all the good of which it can be rendered capable. I do feel an anxiety for its success not founded on party or personal considerations, but an anxiety grounded on the afflicting and appalling accounts which I am daily receiving from every part of the country, and which, I confess, have produced such an effect on my mind as to induce me to mix almost actual entreaty with the appeal which I now make to the House, not to refuse to go into Committee, and see if you cannot make some effective progress in the great work of sanitary reform.

MR. HORSMAN, in explanation, said, that he had spoken on the Bill as a Government Bill, and as a scheme of Government policy; and so far was he from imputing personal blame to the noble Lord, that he thought he should have treated him with the greatest injustice if he had done so.

MR. W. MILES was glad the hon. Member had made that explanation, as every one must admit that the noble Lord deserved great credit, not only for his praiseworthy motives, but for the great labour and attention he had bestowed on the subject. He, however, could not vote for going into Committee, because he did not think the provisions of the Bill fully carried out the preamble. The preamble set forth that whereas farther and more effectual measures ought to be enacted for the better draining, ventilating, and so on of all cities and boroughs; but in considering the Bill it would be found that it was as universally applicable as it professed to be. It appeared to him that the promises made by the noble Lord when he obtained leave to bring in this Bill, had not been fully carried out. He recollected that when the measure of municipal reform was carried, that the objections raised to the city of London being excluded from its operation, was met by promises that its abuses, which were acknowledged to be many, should hereafter be reformed; but, from that time to the present, no Bill for that purpose had been introduced, and the abuses of the corporation of London still remained unreformed. They ought, therefore, before they assented to go into Committee on this Bill, to inquire what was the state of the metropolis; and for an answer to that question he had only to refer to the petitions before the House, signed by the physicians and surgeons of the metropolis, by the president of the College of Physicians, which urged the House to extend the provisions of this very Bill to the city of London and its environs. Had hon. Members read those petitions? Did they know the state of the city of London, and the districts around it? In the name of humanity he called on them to pause before they went into Committee. He did not ask them to say nay to the principle of the Bill, but he did request them earnestly not to listen to any representations for the purpose of excluding the metropolis from its operations. He held in his hand a petition which was put into general circulation by a society which had taken a great interest in the question of sanitary regulations, namely, the Labourers' Friend Society; and they had there an abstract from a statement made by a deputation which waited on the Lord Mayor, no longer since than the 26th of May last. It stated that the sanitary condition of the metropolis was most deplorable; that there was a want of proper drainage—a want of water—a want of common sewers, and, in short, a want of every arrangement necessary for the maintenance of the public health. It appeared from a statement made by Dr. Lynch, that "of all the thirty-six wards the ward of Farringdon-street Without was perhaps the worst; the houses were built back to back, admitting of no ventilation—that the privies were under the staircases, and communicated with cesspools, the exhalations from which poisoned the air around—that in the places where there were sewers, the want of water and the faultiness of their construction rendered them useless, and noxious and pestiferous gases were generated by the accumulated filth which remained within them. In many places the cesspools overflowed, and their condition was so dreadful that the dust contractors' men refused to perform their duty, except they were bribed by a gratuity." The hon. Member described other abominations, of a like character, which were common in this ward; and then asked the House and the noble Lord whether they ought to be permitted to exist any longer, or whether, after reading such statements, the noble Lord would persist in excluding the metropolis from his Bill? What he complained of was the partiality of the measure. He was not one of those who were led by political prejudices, as the hon. and learned Member for Bath said they were who sat on the Opposition benches; on the contrary, he was willing to give his best attention to the Bill of the noble Lord; but he rose chiefly to beg him to defer it for the present. He was certain that clause after clause would give rise to lengthened debates, and that it would occupy a great extent of time. He believed its intentions were excellent, and he agreed that it was necessary some such Bill should pass; but that Bill was too partial, it gave the Commissioners too much power. He alluded particularly to the 12th Clause, which gave them jurisdiction not only over the limits defined by the Reform Bill, but the power to add half a mile more if they pleased, and, consequently, agricultural districts would be subjected to the same taxation as the towns for sanitary benefits which they did not share. [Lord MORPETH: They must contain streets or buildings.] He asked hon. Members to look at the clause, and see if it said one word about streets or buildings. It was true that since the Bill had been printed he had received four or five folio pages of corrections, and it was, indeed, difficult to know what the Bill was. He hoped and trusted the noble Lord would listen to the remonstrances which had been addressed to him, and consent to withdraw the Bill for this Session. He was no enemy to the Bill, and if he sat in the next Parliament he would do all in his power to make it as perfect as possible; but as the Bill now stood, he felt it his duty to support the Amendment of the hon. Member for Lincoln.

The EARL of LINCOLN said, that as it was his intention to vote for going into Committee on the Bill, he should have abstained from saying a word on the present occasion, if by that course, looking to the hour of the night at which they had now arrived, he could have facilitated the progress of the measure. But he rose in consequence of so large a portion of the present discussion having turned on the omission of the metropolitan districts from the Bill, as he considered that for that omission he might be in some respects responsible. At all events he was the individual, he believed, to whom the noble Lord alluded as having pressed for the omission not of the city of London, but of the whole of the metropolis, when the Bill was first introduced, inasmuch as he expressed his apprehension that the inclusion of London would insure the failure of the measure. It was his fear that such complicated machinery as would be applicable to London would not be applicable to the country; and, *vice versâ*, that the machinery suited to the country would not suit London. He was bound to say that the necessity for excluding the metropolis, with the view to legislation for those districts in a separate Bill, appertained far more to the measure which he had had the honour to introduce, than to the measure brought in by the noble Lord, because the noble Lord had introduced totally different machinery, giving far greater authority to the central body than he had proposed, and taking far more summary and compulsory powers to obviate the inconveniences which he had felt, arising from the existence of local acts and boards of commissioners, which undoubtedly complicated any proposal for dealing with this question as regarded London. Whilst, however, he claimed for himself a fair share of responsibility for having urged the noble Lord to exclude London from the operation of the measure, he, nevertheless, felt justified in stating, that the Bill in its present shape, and with its present machinery, if good at all, was perfectly applicable to the metropolis. At the same time, he did not mean to imply any approval of the machinery of the noble Lord's measure. He stated the objections which he entertained to the machinery when the measure was introduced, and would not now enter into any discussion upon that point, which would with more propriety come under consideration in Committee. It appeared to him that the noble Lord, in framing this measure, had gone beyond the sound principle which he laid down in the course of his speech, when he stated that the proper course to pursue was, to maintain local authority and superintendence over all operations of this nature, and only to assist them by central authority. The Bill went greatly beyond that object, for the central authority which it provided would completely control, if not entirely supersede, all local authority. When he urged the noble Lord to exclude London from the Bill, he did not wish to exclude it from all sanitary legislation; on the contrary, he believed that it required to be subjected to legislation of that description more than any other part of the country. Although he had thus briefly intimated some of the objections to which the Bill was obnoxious, he would vote with the noble Lord for going into Committee, because he was unwilling to have it supposed that he was adverse to the great principle of the measure; and he still hoped to see the details to which he objected amended in Committee. Before sitting down, he would take the liberty of offering a suggestion to the noble Lord. If, in consequence of the present evening having been lost at this late period of the Session, it should be found necessary to abandon the Bill, he begged the noble Lord to consider whether it would not be expedient to introduce a Bill—it might consist of but a single clause—to give to town-councils and commissioners for paving and draining, the optional power of carrying into operation in their respective districts the provisions of a Bill called the Towns Improvement Consolidation Bill, which had just passed the House of Lords. That Bill contained some very useful provisions; and if the noble Lord should find it expedient to adopt the suggestion which he had thrown out, he would have the satisfaction of knowing that the Session had not been allowed to expire altogether without some sanitary legislation.

Sir J. HANMER said, that if the present measure was to be abandoned because London was excluded from its operation, Parliament might, on the same principle, have rejected the measure of corporate reform passed some years ago, from which the country had derived much benefit. He would vote for going into Committee.

Mr. HENLEY, in reference to what had fallen from the noble Lord (Lord Morpeth) as to rural districts being exempted from the operation of the measure, observed that he did not know what the intentions of Government might be upon that subject; but certainly as the Bill was drawn, its provisions were applicable to every district in which 300 householders should sign a petition in the manner prescribed in one of the clauses. It was, however, very difficult to ascertain what the Bill really proposed to enact, for so many other Bills were incorporated with it that no one but a special pleader could understand it. The Bill should be reprinted, in order that the House might know exactly what it was intended to enact. He complained that the Bill did not deal with the admitted evils which existed in this metropolis, while it would interfere with numerous petty interests throughout the whole kingdom. He considered that the principle of the measure was good. He admitted that sanitary reforms were much needed; but he also thought that this Bill proposed to carry out those reforms by bad means, and he did not think it was capable of being altered in such a manner as to render it a good and efficient measure. By the Towns Improvement Bill, no house could remain thatched after the lapse of seven years; and if this rule were applied to the rural districts, he would ask the House to consider what would be its effect. It was provided by the same Bill that no house should be built without party walls; but was it intended to enforce that regulation in the country districts? He considered that many of the provisions contained in this Bill were most objectionable; and he therefore felt it his duty to vote against going into Committee.

Mr. HUDSON, who rose amid cries of "Divide, divide!" said, that he presumed he had as much right to address the House as any other Gentleman; for as he had been closely connected with several important cities and towns, he had had opportunities of acquiring some information on the subject. His principal objection to the Bill was, that it had been introduced at so late a period of the Session, that a fair opportunity could not be afforded for considering its provisions; but if no other objection had existed, the fact that the city of London was to be exempted from its operation, would have induced him to oppose it in its present form. He could not conceive why the noble Lord (Lord Morpeth) did not, in the first instance, propose a measure for improving the sanitary condition of the city of London and the metropolitan districts; for the Government would then have an opportunity of vigilantly watching the operation of the scheme—of ascertaining from their own observation how far it was successful—and of determining whether it was advisable to apply it to the whole country. He called upon the House not to pass one law for the city of London, and another law for the provinces, but to do away altogether with class legislation. An hon. Gentleman opposite had said that there was a strong feeling in Yorkshire in favour of this Bill; but from his own observation he could not think that assertion was well founded. He admitted that there was a very general feeling in Yorkshire in favour of the adoption of some sanitary regulations, and that petitions praying the House to consider and sanction such measures had been presented from corporations and from public meetings. But it must be remembered that the persons who signed those petitions had not seen this Bill, and that, though they might consider some sanitary regulations ought to be adopted, it did not follow that they approved of the measure now before the House. He hoped the Bill would not be pressed during the present Session. Let the Government first experimentalize upon the city of London; and if they found their scheme work well there, then they might extend it to the country. He thought the evils resulting from defective sanitary regulations had been very much exaggerated, and he hoped the House would pause before they gave their assent to this measure. He blamed the Government for excluding London from the Bill, since, from its immense population, it was worse than any other place in the kingdom. He hoped the House would oppose the passing such a Bill this Session, and that in the next, the Government would be prepared with a more acceptable measure—one avoiding centralization; the country was sick of centralization, of commissions, of preliminary inquiries—of all sorts of jobs. The people wanted to be left to manage their own affairs; they did not want Parliament to be so paternal as it wished to be—interfering in everybody's business, and, like all who so interfered, not doing its own well.

Sir J. HANMER said, in explanation, that he had presented numerously signed petitions from the people of Hull in favour of the Bill; and, therefore, it could not be said that he was unacquainted with the views of his constituents on this question.

Lord JOHN RUSSELL: The right hon. Gentleman the Member for Sunderland has certainly made what I consider the very first objection against going into Committee on this Bill, which, if the premises were sound, would be a valid argument against that proposition. He says there is no need of any further inquiry—that the towns conduct perfectly well their own affairs—that there is no need of centralization—and, therefore, that this Bill is totally unnecessary. If the right hon. Gentleman be right, undoubtedly any legislation on this subject would be quite unnecessary; but I appeal to all the reports which have been made, to all the facts which have been stated, to show that some Bill is necessary, and that the local bodies cannot be trusted entirely, without some further measures, to adopt those sanitary reforms which are required for the health of towns. The right hon. Member for Sunderland and other hon. Members have used an argument which I think tends to a conclusion quite opposite to that which they wish to establish, that the metropolis should be included in the Bill. Their argument would naturally be, that, as it is said there is great need of further improvement in the metropolis, and remedies are required, we should go into Committee on the Bill, and insert the clauses by which the metropolis should be included. But they say quite the contrary; they say, if London is not to be included, where there is so much filth and disease, only think what a hardship it will be that Exeter and Hull are obliged to be cleanly and wholesome; how painful it will be to find that these towns have got improved drainage, sewerage, and means of health, whilst the same advantage is not given to the metropolis. Now I cannot think that those towns will be so very sensitive, or that they will think, because the metropolis has not the benefit of this Bill, therefore their towns are to remain dirty and unwholesome. As to the reasons why the metropolis is not included, I will say that, at all events, such was the view taken by the noble Lord opposite, who devoted great attention to this subject, of the measure proper to be introduced. The very first clause of the Bill of 1845, says, that the Act shall extend to all places in England and Wales, excepting London and the places within five miles of Charing-cross; and till 1846 the noble Lord did not bring in any Bill including the metropolis. No doubt he thought a Bill affecting the metropolis would be necessary. So we think likewise; but he did not consider it necessary to begin with the metropolis. He thought it would be advisable to begin with other towns, and that to take the metropolis first would only lead to serious difficulties. Some hon. Members say, we will not consider any measure till you have introduced the metropolis; and the hon. Member for Somerset says he is against considering this Bill, because there are a great many long clauses in it which will require very long protracted discussion. If so, surely twenty or thirty clauses for the metropolis will require more. I was certainly not one of the metropolitan Members who made a representation to my noble Friend that London ought not to be included. I should certainly have been very glad if the whole metropolis could have been included in the Bill; indeed I think there can be no doubt that with respect to parts of England and Wales, more inquiry is necessary; and whilst wishing to go into Committee on this Bill, I should certainly keep in view the necessity of adopting a similar measure for the metropolis. With respect to the noble Lord's suggestions for improving the machinery of the Bill, I can only say that anything which falls from him will be listened to by Government with the greatest attention, because I know he has applied himself very much to the subject; and his good judgment upon these matters is, perhaps, more to be listened to than that of any individual Member of this House. The House has already sanctioned the principle of the Bill, and I hope they will now consent to go into Committee.

MR. B. DENISON wished only to state that he had certainly been in communication with parties opposed to particular clauses of the Bill; but he believed the majority of the West Riding of Yorkshire were decidedly in favour of its principle, and therefore he should vote for the measure.

MR. MUNTZ did not mean to detain the House many minutes. The Bill, with all its improvements, was a very bad Bill, a very vexatious Bill, and a very anomalous Bill. In the first place, it excluded places which required more inspection than the towns included in it; next, it included all other places which required very little attention or inspection; and next, towns that were not incorporated were not to be included, unless they so chose it; and these were the very towns on which the Bill ought to be imposed. Why not do that which was plain—let every town that petitioned for inspection have it? He was not in favour of these commissioners and inspectors. It was a very expensive principle, a very unsafe principle, and a very unsound principle. The people were clever enough to manage their own affairs. The people in London were not more clever than those in the country. If they were, how did it happen when they wanted to put a top on Nelson's pillar, they had to send to Birmingham for a man to do it? He saw the man and knew the man who did that for them—who put a capital on their Nelson's pillar. He read all the reports on this matter—they were grossly exaggerated. The commissioners, like all other persons in their situation, wished to make themselves of importance. There was a mania now for sanitary measures. In fact, there was an insanity in sanity. There was more mortality now than formerly, it was said. It was quite true; and the reason the people were dying was because they had short, bad, and insufficient food. To show how easy it was to mis-state matters connected with sanitary reform, he would only instance a report of Mr. Chadwick in 1841, in which that gentleman had drawn a comparison between the mortality in Birmingham and of Bridlington. That statement was exaggerated, and could not be relied on. He believed that it was impossible to carry the Bill this

Session, and therefore he should not give his support to it.

Mr. R. YORKE wished plainly and distinctly to say that he was for a Health of Towns Bill, but not for a Bill which excepted that part of the kingdom which, if the Bill had any virtue at all, should most especially be comprehended. This exclusion was his justification for voting against the Bill.

On the question that the words proposed to be left out stand part of the Question, the House divided:—Ayes 191; Noes 50: Majority 141.

List of the Ayes.

Acheson, Visct.
Acland, T. D.
Aldam, W.
Antrobus, E.
Arundel and Surrey, Earl of
Baillie, W.
Baine, W.
Bannerman, A.
Barclay, D.
Baring, rt. hon. F. T.
Bateson, T.
Beckett, W.
Bell, J.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Blake, M. J.
Boyd, J.
Bramston, T. W.
Brisco, M.
Broadley, H.
Brotherton, J.
Brown, W. S.
Buller, C.
Buller, E.
Busfeild, W.
Byng, rt. hon. G. S.
Cardwell, E.
Cavendish, hon. G. H.
Chichester, Lord J.
Christie, W. D.
Clay, Sir W.
Clifton, J. T.
Colebrooke, Sir T. E.
Colville, C. R.
Conyngham, Lord A.
Corbally, M. E.
Courtenay, Lord
Cowper, hon. W. F.
Crawford, W. S.
Dalmeny, Lord
Dalrymple, Capt.
Davies, D. A. S.
Dawson, hon. T. V.
Denison, J. E.
Denison, E. B.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
Duckworth, Sir J. T. B.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Duncombe, hon. A.
Dundas, Adm.
Dundas, Sir D.
East, Sir J. B.
Ebrington, Visct.
Egerton, Sir P.
Ellice, rt. hon. E.
Emlyn, Visct.
Escott, B.
Esmonde, Sir T.
Etwall, R.
Evans, W.
Evans, Sir De L.
Ewart, W.
Farnham, E. B.
Ferguson, Sir R. A.
Fitzmaurice, hon. W.
Forster, M.
Fox, C. R.
Gibson, rt. hon. T. M.
Gill, T.
Gore, hon. R.
Gower, L.
Greene, T.
Gregory, W. H.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Hall, Sir B.
Hamilton, W. J.
Hanmer, Sir J.
Harcourt, G. G.
Harris, hon. Capt.
Hatton, Capt. V.
Hawes, B.
Heathcoat, J.
Heneage, E.
Hervey, Lord A.
Hobhouse, rt. hn. Sir J.
Hodgson, F.
Hope, A.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hutt, W.
James, Sir W. C.
Jermyn, Earl
Jervis, Sir J.
Johnstone, Sir J.
Kemble, H.
Labouchere, rt. hon. H.
Lambton, H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Legh, G. C.
Lincoln, Earl of
Lindsay, Col.
Macaulay, rt. hn. T. B.
Mackinnon, W. A.
M'Donnell, J. M.
McGeachy, F. A.
Mainwaring, T.
Marshall, W.
Marsland, H.
Maule, rt. hon. F.
Mildmay, H. St. J.
Miles, P. W. S.
Moffatt, G.
Monahan, J. H.
Morpeth, Visct.
Morris, D.
Morison, Gen.
Mostyn, hon. E. M. L.
Mure, Col.
Neville, R.
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, J.
O'Brien, T.
O'Connell, M. J.
O'Conor Don
O'Ferrall, R. M.
Ogle, S. C. H.
Pakington, Sir J.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Pechell, Capt.
Perfect, R.
Philips, G. R.
Pinney, W.
Powlett, Lord W.
Protheroe, E. D.
Pusey, P.
Reid, Col.
Repton, G. W. J.
Rice, E. R.
Rich, H.
Roche, E. B.
Romilly, J.
Round, J.
Russell, Lord J.
Russell, Lord C. J. F.
Sandon, Visct.
Seymour, Lord
Seymour, Sir H. B.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Somerville, Sir W. M.
Sotheron, T. H. S.
Stanley, hon. W. O.
Stansfield, W. R. C.
Stanton, W. H.
Stuart, Lord J.
Strickland, Sir G.
Strutt, rt. hon. E.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Tollemache, J.
Tomline, G.
Trelawny, J. S.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Wakley, T.
Walker, R.
Ward, H. G.
White, S.
Williams, W.
Wood, rt. hon. Sir C.
Wortley, hon. J. S.
Wrightson, W. B.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the Noes.

Adderley, C. B.
Archdall, Capt. M.
Arkwright, G.
Bankes, G.
Bentinck, Lord G.
Bodkin, W. H.
Borthwick, P.
Broadwood, H.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Burrell, Sir C. M.
Carew, W. H. P.
Cole, hon. H. A.
Deedes, W.
Dick, Q.
Divett, E.
Douglas, Sir C. E.
Douglas, J. D. S.
Dugdale, W. S.
Egerton, W. T.
Floyer, J.
Forbes, W.
Frewen, C. H.
Fuller, A. E.
Granby, Marq. of
Halsey, T. P.
Henley, J. W.
Hudson, G.
Hussey, T.
Ingestre, Visct.
Lennox, Lord G. H. G.
Lowther, hon. Col.
Manners, Lord C. S.
Miles, W.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Palmer, G.
Rashleigh, W.
Rolleston, Col.
Shirley, E. J.
Spooner, R.
Stuart, J.
Vivian, J. E.
Vyse, H.
Vyvyan, Sir R. R.
Waddington, H. S.
Walsh, Sir J. B.
Yorke, H. R.

TELLERS.

Muntz, G. F.
Sibthorp, Col.

Bill considered in Committee. Committee to report progress, and sit again on Thursday.

House adjourned at One o'clock to Monday.

HOUSE OF LORDS,

Monday, June 21, 1847.

MINUTES.] PUBLIC BILLS.—2ª Lunatic Asylums (No. 2); Passengers Act Amendment; Out-Pensioners (Chelsea and Greenwich); Collection of Duties (Port Natal); Destitute Persons (Ireland) (No. 2).

Reported.—Clergy Offences; Naturalization of Aliens; Newfoundland Government; Loan Societies; Prisoners Removal (Ireland); Trust Money Investment (Ireland).

3ª and passed:—Lunatic Asylums (No. 2); Bankruptcy and Insolvency (No. 3); Soap Allowances; Stage Carriages, &c. Duties.

Received the Royal Assent.—Army Service; Loan Discount; Poor Removal (England and Scotland); Towns Improvement Clauses: Drainage of Lands; Burgh Police (Scotland); Lunatic Asylums (Ireland); Turnpike Roads (Ireland).

PETITIONS PRESENTED. By Lord Brougham, from Proprietors of several Baths in London, praying to be heard by Counsel against the Baths and Washhouses Bill.—From the Rev. H. F. Yeatman, that Bakers giving short weight may be adequately punished.—By the Marquess of Londonderry, from Sunderland, for the Enactment of Sanitary Regulations.—From the American Chamber of Commerce of Liverpool, praying that a certain Clause in the Passengers Act Amendment Bill may be struck out of the Bill.

CHURCH TEMPORALITIES ACTS AMENDMENT (IRELAND) BILL.

The ARCHBISHOP of DUBLIN, in moving the Second Reading of this Bill, adverted to the number of petitions which had been presented, both to that and the other House of Parliament, praying for an increase of episcopal superintendence in Ireland, when the circumstances of a district were such as to render it necessary. The Bill he now proposed would not compel the Queen's advisers to take any steps whatever; but it would enable them, when a case of necessity arose, to effect the restoration of any bishopric, the re-establishment of which was contemplated as desirable. There were several cases in which existing deaneries or archdeaconries might present the means of calling such bishoprics into activity. In the case of colonies, though the inhabitants were few, and scattered over a large extent of country, yet this was not deemed any ground for refusing to maintain the civil and ecclesiastical establishment necessary to their good government and welfare in a state of efficiency. Now, the Church of Ireland might be considered as a colony from that of England; though its members might be comparatively few, scattered as they were over a wide surface, it was incumbent on the Legislature to provide them with effective pastoral superintendence. In his own see of Dublin, he had felt how great an advantage he should derive from the establishment of a suffragan bishop at Kildare. The present Bill would give the Sovereign the right of re-establishing bishoprics as they were needed, and thereby the means of rectifying any abuses or inconveniences that might be found to spring from the operation of the law as it now stood.

The BISHOP of EXETER supported the second reading. The principle of the Bill was to enable Her Majesty to restore certain forfeited bishoprics in Ireland, and to that principle it was impossible for him not to express his hearty assent.

The MARQUESS of LANSDOWNE was most reluctant to oppose any Bills brought in by most rev. or right rev. Prelates, especially upon subjects connected with the episcopal establishment of the country; but he felt bound to say that he did not think the Bill now before their Lordships could pass into a law without essentially disturbing the foundation of the settlement which had been made fourteen years ago, with respect to the Episcopal Church of Ireland, with the object of proportioning the episcopal establishment to the spiritual wants of the Protestant inhabitants of that country. He believed that the episcopal establishment of Ireland was fully adequate to the wants of the Protestant population of the country, even admitting that, in judging of the adequacy of that establishment, they ought to consider that the Protestant population was scattered over a very wide surface. It must, however, be remembered that the whole Protestant population of Ireland did not exceed the Protestant population of two English sees he could name; and he could not think, therefore, that their Lordships would be justified in reviewing their past decision, with a view to increasing the episcopal establishment of Ireland. With regard to what the most rev. Prelate had said, as to the difficulty of exercising efficient spiritual superintendence, in consequence of the Protestant population being scattered, in some cases widely apart, over the surface of the country, he (the Marquess of Lansdowne) was certainly scarcely prepared to hear the most rev. Prelate adduce that as a reason for reviving the bishopric of Kildare. He (the Marquess of Lansdowne) did not question the authority of the most rev. Prelate upon that subject; but he felt satisfied that, if their Lordships sanctioned this measure, they would be called upon to revive other extinct Irish bishoprics. He held in his hand a statement from which it was manifest that, if their Lordships passed this Bill, and the bishopric of Kildare was consequently re-established, not a year—nay, perhaps not a month—would elapse before they would have an application for the revival of the bishopric of Clogher, which was annexed to the primacy of Ireland. He considered that any increase in the number of Irish bishoprics had been rendered unnecessary by a provision in the Church Temporalities Act, under which archdeacons were enabled to perform certain ecclesiastical functions which they were not previously allowed to discharge. He must also say, that the most rev. Prelate had omitted to point out any practical means by which funds might be provided for the support of the bishopric of Kildare. An attempt had already been made to annex the Provostship of Dublin University to a bishopric; but it had been abandoned in consequence of the strong opposition which had been manifested to the proposal by the members of the University. He was convinced that the arrangement made fourteen years ago had, in conjunction with other measures, been productive of great advantages; and he must appeal to their Lordships, on the part of the Church and of the country, not to sanction any disturbance of that arrangement. He would, under these circumstances, feel it his duty to move that the Bill be read a second time that day three months.

The Archbishop of DUBLIN observed, that the Fellows of the University of Dublin had unanimously petitioned in favour of the revival of the bishopric of Kildare, well knowing that it was proposed the Provostship of the University should be annexed to that bishopric.

The Bishop of SALISBURY, after a few observations which were inaudible, recommended the most rev. Prelate to withdraw the Bill.

The Archbishop of DUBLIN assented to this suggestion, and

The Bill was withdrawn.

House adjourned.

HOUSE OF COMMONS,

Monday, June 21, 1847.

Minutes.] Public Bills.—1° Master in Chancery; Masters in Chancery Affidavit Office; Canada Consolidated Revenue Fund.

2° Print Works; Fishery Piers and Harbours (Ireland); Naval Mutiny.

Reported. — Tithes Commutation; Threatening Letters, &c.

3° and passed:—Corn, &c. Importation.

Petitions Presented. By Sir De L. Evans, from John Savage, of No. 21, Old Compton Street, Soho, London, for Limiting the Time for Polls at Elections.—By Mr. T. Mackenzie, from Commissioners of Supply of the County of Cromarty.—By Mr. Brotherton, from Persons assembled in Exeter Hall, London, May 24, 1847, against the Use of Grain in Breweries and Distilleries. — By Mr. Stansfield, from Merchants and Tradesmen of Huddersfield, for One Penny Stamp Receipts.—By Mr. Callaghan, from Distillers of Cork, respecting the System of Bonding Spirits.—By Mr. Bond Cabbell, from Owners and Occupiers of Land in the County of Northumberland, in favour of the Agricultural Tenant-Right Bill.—By Sir G. Grey, from a great many places, for Regulating the Qualification of Chemists and Druggists.—By Mr. S. Crawford, from the County of Cork, suggesting Measures of Relief for Ireland.—By the Earl of Arundel and Surrey and other hon. Members, from Catholics of several places, for Alteration of the proposed Plan of Education. —By Mr. Brotherton and Lord J. Manners, from Fustian Cutters of Salford and Manchester, for the Regulation of that Trade.—By Mr. Morris and other hon. Members, from several places, in favour of the Health of Towns Bill.—By Mr. Mangles and other hon. Members, from several places, for and against the Medical Registration and Medical Law Amendment Bill.—By Sir J. East, from Winchester, for the Suppression of Promiscuous Intercourse.—By Mr. Hudson and other hon. Members, from several places, against, and by Mr. Strutt, from Derby, in favour of, the Railways (No. 2) Bill.—By several hon. Members, from a great many places, in favour of the Railways (Ireland) (No. 2) Bill.—By Mr. T. Mackenzie, from Commissioners of Supply of the County of Cromarty, against the Registering Births, &c. (Scotland) Bill.—By Mr. J. Oswald, from Members of the East India Association of Glasgow, against laying the Burden on the Revenue for the Relief of Ireland.

ANDOVER UNION—MESSRS. VILLIERS AND CHRISTIE.

Mr. CHRISTIE was sorry to be obliged to ask the House to allow him to make a further explanation on a merely personal matter. He trusted the House would see that it was not his fault that public business was thus delayed, when he stated that the Member for Wolverhampton had not given any notice of his intention of again adverting to the matter in dispute between. On Thursday he had given a distinct denial to the statement previously made by the Member for Wolverhampton, that he had asked Sir Frankland Lewis before the Committee on the Andover Union, an improper question as to the appointment of his son. He denied having done so; but notwithstanding his emphatic denial, the Member for Wolverhampton repeated his charge. He denied it again; but the Member for Wolverhampton, so far from being satisfied with these disclaimers, on Friday evening reiterated the statement which he had twice denied, and the hon. Member brought evidence to show that he had put the question attributed to him. If it were indeed true that he had put that question, notwithstanding his assertions to the contrary, or if it were true that whereas he had declared that it was he who had cleared the room, he was not the person who had done so—if either of these things were established as truths against him, he could not possibly escape from the imputation of having been guilty of wilful misrepresentation. Such was the issue which the Member for Wolverhampton raised on Friday in his absence, and without giving him any notice of his intention. Now, he would take leave briefly to relate what had taken place, without reference, in the first instance, to newspaper or other reports. Sir Frankland Lewis having expressed an exceedingly unfavourable opinion of Mr. Chadwick's character, he took occasion to ask Sir F. Lewis how it came that, regarding him with such feelings of disapprobation, he had retained him for four years in the office of Secretary to the Commission. That question Sir F. Lewis answered; and he was then proceeding to ask him whether, on his son succeeding him in the Commission, he had thought fit to caution his son against Mr. Chadwick? In connecting the two questions, he made a preamble of this kind—"On your ceasing to be a Poor Law Commissioner, I believe an arrangement was made that your son should succeed you?" No sooner had the word "arrangement" escaped his lips than Sir F. Lewis became very much excited, interrupted him, and prevented him from going on with the question, to which this was but the preamble, and was about to enter into an explation, when he turned round to the noble Lord the Member for South Devon, chairman of the Committee, next to whom he was sitting, and requested the noble Lord to have the goodness to clear the room. The noble Lord immediately gave orders that the room should be cleared. Sir F. Lewis entreated to be permitted to answer the question. The hon. Member for Finsbury said he thought that he ought to be permitted to answer it. Other hon. Members were of a different opinion, and joined in the call for clearing the room. During the interval which took place before the room was cleared, he (Mr. Christie) was quite silent; but as soon as the strangers had gone out he rose and addressed the chairman. That circumstance was in itself alone sufficient to show that his version of this transaction must be the correct one; for it was obvious that the person at whose instance the room had been cleared, must have been the first to address the chairman after strangers had withdrawn. What he said was to the following effect: that he was much pained at what had occurred—that he very much regretted the misapprehension which had arisen—that he had used the word "arrangement" in no offensive sense, and without premeditation—that he had not intended to impute the least impropriety of conduct to Sir F. Lewis or his son—that if Sir F. Lewis still wished to enter into any explanation he should not oppose it—but that he wished that it should be expressly understood by that gentleman and by the Committee that it was not his wish, and that Sir Frankland would do so of his own free will and accord. The Member for Wolverhampton produced a letter from Sir F. Lewis, stating that he (Mr. Christie) did put the question attributed to him, and that other hon. Members objected to it; but the fact was that Sir F. Lewis was under a total misconception of his meaning at the time—a misconception which he had hoped had been long since removed. Owing to Sir F. Lewis's excitement, he was not the best witness of what occurred in the room before it was cleared, and of what happened afterwards he must of necessity be wholly unaware. The Member for Wolverhampton had referred to the shorthand writer's note as appearing in the blue book. The shorthand writer took his words before the room was cleared, and had made in his report not only a very incorrect but a very contradictory statement; and as the contradiction had not escaped the notice of the Member for Wolverhampton himself, it was to be regretted that he had not been slower in impeaching the veracity of another person on such questionable evidence. The Member for Wolverhampton also read, in corroboration of his position, the report which appeared in the *Times*, and which he described as the best which had been published. The reporter of the *Times* gave a long account of what occurred before the room was cleared, whereas the shorthand writer omitted all particulars whatsoever respecting the clearing of the room. He would read to the House the report which appeared in the *Times*. The Member for Wolverhampton had not read it at all, and he would presently direct attention to the portion the hon. Member had omitted. The report ran thus:—

"Mr. Christie: Did you not leave the Commission on an arrangement that your son should succeed you?—Sir F. Lewis (under great excitement): I particularly wish to answer that question. Mr. Wakley: I think it ought to be answered."

The *Times* reporter, it should be observed, could not have heard his (Mr. Christie's) application to the noble Lord to clear the room, and had made a distinct question of the words he had used merely as the introduction to a question.

> " Here four or five Members of the Committee began to speak all at once, and much confusion having ensued, Mr. M. Sutton, the Chairman, and other members proposed to clear the room. Sir F. Lewis: Oh! pray let me answer the question. I entreat, for my honour, that you let me clear up this point. Mr. Sheridan; Yes; but you had better clear the room first. Sir F. Lewis: I entreat you let me answer it. The Chairman and Mr. M. Sutton: We had better have the room cleared. Sir F. Lewis: Oh, let me answer it—pray let me answer it. The room was cleared notwithstanding Sir F. Lewis's very earnest appeal, in a tone which left no doubt of his earnestness, but which caused a great deal of laughter. The Chairman said the Committee were unanimously of opinion that he should have an opportunity of giving what answer he liked."

The Member for Wolverhampton stopped there. The report, however, proceeded with a passage which in itself was quite sufficient refutation of the charge three times repeated. That passage commenced thus:—" Mr. Christie explained that he had cleared the room." So the *Times* reported him to have stated this at the time in question, and yet the Member for Wolverhampton had asserted in that House that he (Mr. Christie) had not stated the truth when he declared that he was the person who had caused the room to be cleared. But to revert to the report in the *Times*. It ran thus:—

> " Mr. Christie explained that he had cleared the room because he wished to explain to the Committee before explaining to him that the question had been misunderstood by Sir F. Lewis. He had been much vexed at seeing the feeling displayed by Sir F. Lewis, and could assure him that he had meant to speak of no arrangement but what might have been made with perfect propriety, and without any imputation against either him or his son. His only object in referring to his son was to ask whether Sir F. Lewis had ever cautioned him against Mr. Chadwick."

That passage from the report had been entirely omitted by the Member for Wolverhampton; but he trusted the House would acknowledge its importance. Once for all, on his honour as a gentleman, and as a Member of that House, he never did put to Sir F. Lewis the question which the Member for Wolverhampton persisted in charging him with having put. He never intended to have put it; and if he had proposed so irrelevant and offensive a question to Sir F. Lewis, he should himself be the first person to admit that his conduct was indefensible and justly incurred reprobation. In conclusion he had to request that the House would bear with him while he read, in corroboration of the statements he had already made, a letter that had been addressed to him by his Friend the hon. Member for Shaftesbury. The hon. Member, who had been obliged to leave town that day, on private business, wrote as follows:—

> " I do not recollect the precise words you used in putting the question to Sir F. Lewis; but I perfectly remember the general expression of deep regret by the Committee at the time, and after the room was cleared—I think by yourself—that his feelings had been unintentionally wounded. In your explanation to the Committee you certainly stated that your question had been misunderstood by Sir F. Lewis, and, to the best of my recollection, you added, ' that you meant to speak of no arrangement but what might have been made with perfect propriety, and without any imputation against him or his son.' Your object in referring to his son, as I understood, was to ask whether Sir F. Lewis had ever cautioned him against Mr. Chadwick. This I considered a very natural inquiry to make, after the Committee had been told by Sir F. Lewis that he considered Mr. Chadwick as unscrupulous and as dangerous an officer as he ever saw within the walls of an office. The impression I had at the time of your meaning was in accordance with your explanation; and this I stated to the Committee after you had sat down."

He would not further trespass on the attention of the House, but was extremely grateful for the opportunity of explanation which they had so kindly afforded to him.

VISCOUNT COURTENAY said, that his recollection substantially agreed with the statement made by the hon. Gentleman. He could now have no doubt whatever that his hon. Friend was the person who suggested that the room should be cleared, and on the parties having withdrawn, he took the earliest opportunity of explaining that his question had been misunderstood, and that he deeply regretted the pain which had been inflicted upon Sir Frankland Lewis. Of the ability with which the examination by his hon. Friend the Member for Weymouth was conducted, every person spoke highly. It should be recollected that two gentlemen appeared there as advocates, which rendered it necessary to give to the examination more of a personal character than was usual on such investigations as these. But during the whole of that inquiry he was bound to say that his hon. Friend had conducted his inquiries with an entire absence of personal feeling, and with the utmost desire to exhibit fairness towards all concerned.

MR. DISRAELI had no desire to prolong the discussion, particularly in the absence of the hon. Member for Wolverhampton; but it was due to the hon. Member for Weymouth that he should make one remark not personal to the hon. Member for Wolverhampton. It should be borne in mind that during the long inquiry which was instituted before the Andover Committee, more than thirty thousand questions were proposed. A large proportion of them were put by the hon. Member for Weymouth; but in no one instance had he put a question which any witness ever resented. He stated this because he believed that great misapprehension prevailed relative to the course which had been pursued in the Committee; and he the more desired to say it because he believed that nobody could have acted with more fairness than the hon. Member for Weymouth. He displayed remarkable ability on that occasion, and showed himself not only master of his subject, but master of his temper—a very important quality in the transaction of public affairs.

SIR JOHN PAKINGTON corroborated the statements made by the hon. Member for Weymouth, and bore favourable testimony to the conduct of the hon. Gentleman. He did not think either with reference to the particular question complained of, that it was made, or that his general mode of examination was unfair.

MR. CHRISTIE observed, that the reason why he did not feel himself called on to give to the hon. Member for Wolverhampton any notice of his intention to make this explanation was, that the question at issue was merely a matter of veracity on his (Mr. Christie's) part, and did not involve any one but himself.

Subject dropped.

CRIMINAL PROSECUTIONS.

MR. J. S. WORTLEY wished to ask whether it was the intention of the Government to provide any remedy for an evil which had grown up and prevailed in the Central Criminal Court—a court which ought to be an example to all other criminal courts in the kingdom. He alluded to the practice of not giving briefs for the prosecution to counsel in cases of felony or misdemeanour; or of giving a fee which was so small that no respectable counsel would take it. By this means the Judge, who was very frequently quite ignorant of the previous facts of the case, was obliged to examine the witnesses, and, contrary to his proper office, was literally a counsel against instead of for the prisoner. A similar evil practice prevailed in the courts in the northern districts of the country.

SIR G. GREY said, that the attention of the Government had been called to this evil, as existing in the Central Criminal Court, and arrangements were in progress to obviate the inconvenience complained of. He could not, however, undertake to say that the Government was prepared to take measures for giving fees in all cases.

RAILWAYS BILL.

MR. STRUTT moved the Order of the Day for the Second Reading of the Railways Bill. He rejoiced that the time had come when he was enabled to state the contents of the measure, because so much misconception had prevailed on the subject, so much misrepresentation had been circulated in various forms, that he was anxious to state what the Bill really did contain, and what it did not, and what was the effect of the provisions the Government proposed. From the time he introduced this measure at the beginning of the Session, he had always been ready to receive any suggestion from those great interests so deeply concerned in this question; he had been ready and anxious to receive any suggestions founded on experience, and in several particulars he had made alterations in the measure since he proposed it. In two points those alterations had been material; he only mentioned this circumstance in order to show there was no indisposition on the part of the Government to listen to suggestions from the parties interested in the Bill. If it should be shown that any of the provisions and clauses of the Bill acted injuriously to the railway interest, without any corresponding benefit to the public, he should be the first to wish those provisions amended, or rejected altogether. But, before he went into the general purport of the Bill, he was anxious to say a few words with respect to the preliminary objections that had been raised against introducing such a Bill at all. It had been said that this Bill would be a positive breach of the contract entered into at the time of the passing of the Act commonly called Gladstone's Act. It was certainly true that, in the Session of 1844, a Bill was brought into Parliament which met with a strong opposition from railway companies, as in this instance, and that, after a good deal of discussion, an arrangement was come to between the Government and the parties interested in railway undertakings by which a concession was made on both sides, after which the Bill was allowed to pass into a law. But that the Bill was therefore a kind of binding compact on the Government by which all further legislation on the subject was precluded, was, he was bound to say, having looked to all the transactions of the period, an opinion without any foundation. If such an understanding had existed, he (Mr. Strutt) would have been the last man in the world to propose any infraction of the agreement. Not only, however, had he traced no foundation for the allegation, but he had perceived directly the reverse; he found that since the Bill had passed into a law most important amendments and alterations had been introduced, and that they had been agreed to without any reference having been made to any previous arrangement. That Bill passed into a law in 1844; in the very next Session—in May, 1845. Before any further Railway Bills whatever had passed that Session of Parliament, an important debate took place in that House on a clause which had been proposed to be added to all Railway Bills by a nobleman then a Member of that House—Lord Wharncliffe. It would be well to pay attention to that fact, because it was alone sufficient to refute any of those allegations to which he had referred on this point. The clause was—

> "And be it further enacted, that nothing herein contained shall be deemed or construed to exempt the railways by this or the said recited Acts authorized to be made from the provisions of any general Act relating to such Bills, or of any general Act relating to railways which may hereafter pass during the present or any future Session of Parliament."

To this Motion, made by Lord Wharncliffe, an Amendment, by way of addition, was moved by another Member of that House, and who also had since become a Member of the House of Lords—Lord Grey. It was—

> "That nothing contained in any Railway Act should preclude the House from any future revision, or prevent any alteration to be made by authority of Parliament in Railway Acts regarding the rates, fares, and charges made under such Acts."

Many objections were taken to this proposition: there was a debate on the subject, and so important was the question considered, that that debate was adjourned. Seven days after, when the adjourned discussion was renewed, the right hon. Baronet the Member for Tamworth, then the First Minister of the Crown, came down to that House and declared his concurrence in those clauses. And these clauses, with hardly a dissentient voice, were agreed to be added to all Railway Bills. From that to the present time those clauses had been inserted in all Railway Bills; and all railway companies which obtained powers to construct their lines obtained those powers, on the understanding that they would always be subject to the provisions of any general Act, and that their fares and charges would always be liable to revision. It would, perhaps, be urged that the matter had been of so little consequence as to have escaped the attention of the promoters of Railway Bills; but this could not well have been the case. The clauses were passed in May, when the parties and their agents were in London, and when they would be fully alive and sensitive to the value of any clause which would necessarily be inserted in their Bills; and not only had they been cognizant of the intention of Parliament, but, since that time, those very persons who now objected to any legislation on the subject had, without remonstrance or complaint, introduced those clauses into their Acts in fulfilment of the resolutions of the House. He did not, however, mean to rest the justification of this Bill on those clauses. He merely wished to show that they had operated as ample notice to all the parties who now complained of this Bill as a violation of the understanding then entered into; and it was to him a matter of the greatest astonishment how such an argument could have ever been brought forward. He would now proceed to state what had taken place since the period when those clauses were passed. In the last Session a Committee was appointed both by Lords and Commons specially for the purpose of inquiring into the railway system, with a view to the introduction of such enactments as might seem to be required. Those Committees sat for a very considerable time. The Committee of the House of Commons made a report in which they recommended a number of regulations, most of which had been embodied in this Bill now before the House, and in which also they recommended that a distinct department of the Government should be instituted for the supervision of the management of railway companies. A resolution of a similar kind was agreed to by the House of Lords. In consequence of that report, Her Majesty's Government, in that Session, proposed to bring in a Bill to institute such a department of Government, in compliance with the recommendations of the Committee. That Bill passed through both Houses almost without opposition, on the distinct understanding, as stated by the Chancellor of the Exchequer, that it was for the purpose of instituting a new Board, and that early in the next Session of Parliament Her Majesty's Government would be prepared with another Bill to carry out the main recommendations of the Committees, and of imposing on the new Board those duties and of entrusting it with those powers which might be deemed by the Government to be necessary. That was the original Bill which he had had the honour of proposing to the House early in the present Session, and which stood for a second reading that night. He thought, from what he had said, that he had established two points: first, if they were to place any faith in the conduct of Parliament, that the Act known as Gladstone's Act was not regarded by that House as a final compact with railway companies, or as a bar to future legislation on the subject; and, secondly, that it had clearly been the intention in the last Session that this Session further legislation should take place in regard to railways. Having said thus much as to the early part of the Bill, he would now explain the other portions. One part related to the practice before the introduction of Railway Bills, and to the reports which might be made to the House in reference to such Bills; and the other concerned the regulations of those railways which were already formed, and in operation. Almost all the proposals he made in the present Bill as to the preliminary proceedings, had been founded on the report made to the two Houses of Parliament. The first suggestion related to the difficulties which had been encountered with respect to companies entering on lands for the purpose of making surveys. It had long been a subject of complaint with railway companies that they were required to make deposit of certain plans and sections, and that yet they had no legal authority whatever for going on to the lands in the neighbourhood of the contemplated line for that purpose; that, in fact, one Act of Parliament required them to do that which was a violation of law. On the other hand, in many instances, landowners had resisted such proceedings; and, in consequence, disputes and disturbances had arisen, which for every reason it was most desirable to avoid. This was one of the matters which stood most in need of regulation; and the Commissioners now proposed a measure in accordance with the recommendations made by the Committee last Session. The recommendation was to this effect—that the companies should have power to go on the lands on a warrant of the Commissioners, after due notice to the proprietor, and after having provided a certain sum to be applied for the reparation of any damage that might be done. That, it seemed to him (Mr. Strutt), would be a very fair proceeding; if they gave, on the one hand, power not in conformity with the ordinary course of law, it was only just, on the other hand, to grant the landowner redress by a summary process, and by compensating him for any injury he might suffer in consequence of the authority thus given. The next point in the preliminary proceedings respected the local inquiry which was proposed to take place on the spot. There had been a good deal of apprehension on this subject, and he therefore thought it right to explain to the House that this inquiry would not, as had been supposed by some persons, bear any similitude to the local inquiries before officers appointed by the Commissioners of Woods and Forests or by the Admiralty. There would not be, as in those cases, any evidence taken; there would be no counsel or agents employed; the investigation would have reference merely to simple subjects; would entail no expense whatever on the public, or on the parties in question, and would, as he believed, have the effect of preventing a future serious expenditure of time and money in the Parliamentary Committee, and in the after stages of the Bill. The object was this: It had hitherto been a very common complaint made by parties appearing before Committees, that no opportunity was given to the landowners of suggesting that another line should be taken different in its direction from that proposed by the promoters of the Bill. The company was required to give in the plans and sections on a certain day. The landowner knew nothing of the line until those plans were deposited. If he went to the engineer and said, "You are going to take a line injurious to me; I am prepared to suggest another equally advantageous to you, and not so ruinous to me," the only answer would be, "We are sorry for it; but you are too late; our plans are deposited, we cannot alter them; we cannot comply with your request;'' and the only course then left open to the landowner was to appear before the Committee, and to oppose the Bill altogether. The Committee then experienced this difficulty—they had to reject the Bill altogether, or, in approving it, to do a very great injustice to the landowner. The way in which he would meet the object was this—he proposed, that on the complaint of a landowner, an officer should be sent down to the spot by the Commissioners; that the officer should hear the engineer and the complaining parties; and that he should go over the line. If the landowner suggested another, and if the company were prepared to adopt that line, then the Commissioners under this Bill would give authority so to do. If the company declined to adopt the suggested line, and the landowner persisted, power, in that case, would be granted him to send in plans and sections, and to bring his proposal before the Committee, the Committee being left to decide which plan should be approved of. This mode of proceeding would entail comparatively little expense and trouble; and it would undoubtedly have a very important and beneficial effect on the existing system of railway legislation. The next question for consideration was the proposed hearing of parties before the Commission. It should be borne in mind that one of the recommendations of the Railway Committee had been, that before parties went into the Committee on the Bill, they should be heard by the Commission. It was proposed that, having heard the parties interested in the Bill, the Commissioners should report their opinion on the various points to the Committees of both Houses; and that, more especially, they should direct attention to the engineering detail. Considerable objection had been taken to this part of the Bill by Parliamentary counsel and agents. He was not at all surprised at that: he meant no disrespect to those persons, and did not wish to attribute more than that natural bias dependent on position possessed by all mankind; but he really did think they were not the individuals to whose opinions the House should look when attempting to amend the system of private legislation. It was easy to understand there was a strong feeling on this subject in those quarters, inasmuch as it was not intended that counsel should be heard before the Commissioners. His conviction was, that if they added another inquiry, assisted by counsel, to that which took place before the Committee, they would be merely annexing one evil to another, extending the present vicious system, and creating an enormously enhanced expense without producing any adequate advantage to any party. He believed there were many points connected with every Railway Bill which might very well be disposed of without the assistance of counsel. He would take, for instance, the question of engineering — the one particularly referred to, and one on which it was proposed that the opinions of the Commissioners should be binding. A Commissioner, having entered into an examination of the plans, would be enabled to call upon two engineers to hear the separate evidence, and, in the event of any dispute arising as to a matter of fact, to send down a person to the spot to make the necessary inquiry; and it was his opinion that the Commissioners so qualified would arrive at a full knowledge of the facts much sooner, and at a far less expense, than would be the case if the investigation were conducted by a Committee of the House. He, therefore, anticipated that they would do much to simplify the system of railway legislation, and that, in providing the Committee with a report of this kind by an impartial engineer, they would greatly limit the expenses, and curtail the time involved in the present mode of proceeding. He now came to another point—that with regard to fares and tolls. It had been observed, that it was a fault in the Bill that it called for a report, not only as to the fares inserted in the particular Railway Bill before the Commissioner, but also as to the fares which were empowered to be levied by previous Bills, and as to the maximum of tolls actually levied by the same company under former Acts. On reflection, he did not think that there would appear to be any injustice done by such a proceeding. He considered it would be found, eventually, that there was a direct necessity for Committees having such reports before them. It frequently happened that railway companies themselves, in coming for a new Act to Parliament, by way of inducement to pass the new Bill, held out the promise that a reduction should take place in the tolls and fares authorized by preceding Acts. This was true as regarded the North-Western Company when applying to Parliament for powers to construct branch lines; and in the case of the Great Western Company many tempting statements had been made as to the advantages the public would derive from a reduction in the fares along the whole line. Now, so long as railway companies themselves called attention to these points as proper objects for consideration, and held out these inducements, it was only reasonable that when Committees had to decide on the amount of fares, they should have before them the opinion of the Commissioners, not only as to the Bill proposed to Parliament, but also as to the mode in which the railway company had exercised the powers in this respect formerly granted to them. Hon. Gentlemen who had served on Committees had over and over again dwelt upon this defect. They said, "We are appointed by this House to decide what fares are fitting under a particular Bill, but no information is given to us as to the fares in that part of the country to which such a Bill applies, as to the effect of such fares on the interests of the railway company or of the public; and, therefore, we are called upon to decide without being furnished with any of the requisite data." It was now proposed by this Bill, to obviate this difficulty, that there should be an annual report to Parliament on the fares and tolls companies were authorized to levy, and on the tolls which they actually did levy throughout the country. He did not see how it was possible for Committees to perform the heavy duties imposed on them in a satisfactory manner, unless they were provided with reports of this character, and unless, in a word, they had at hand sufficient data to guide them in their decisions. With respect to these preliminary proceedings, he would not detain the House any longer. It had been urged as an objection, that this Bill would have the effect of causing delay, and greatly extending the period at present required for all such merely preliminary proceedings. He could not admit, supposing such an extension of time took place, that it would operate as an evil. He thought that the hasty manner in which the engineer was compelled to prepare the plans and sections, and the limited time allowed for the deposit of those plans and sections, had produced an evil which they were now called on to remedy, If so short a time were taken for the preparation of the scheme, he did not see how they could have the certainty that the best line had been chosen, or how any guarantee could be given that the interests of the landowners along the line had been properly considered; and, therefore, although by some months they did extend the period of the preliminary inquiry, they, in so doing, inflicted no injury on the companies, and conferred a very important benefit on the landowner. Then there was another question for deliberation. These preliminary measures would, he trusted, have the effect of shortening the passage of the Bill through Parliament, and so enabling it sooner to become law. Parties might, under this Bill, originate proceedings at a much earlier moment than at present, and they would have the opportunity of concluding at such a period as to place it in their power to commence their works in the succeeding summer. It was well known that that was not now the case; a Railway Bill seldom reached a third reading before July or August, and it was then obviously too late to take any steps to go on with the works that summer. Under this Bill all the preliminary proceedings would take place in the autumn; parties could go at once into Committee on the opening of the Session. It followed that, if the proceedings in Committee were, as they would be, shortened, the promoters would obtain their Bill much sooner than had hitherto been found practicable; and in this way they would have been compensated for any delay that might have been entailed on them in the earlier stages. He next came to those portions of the Bill which referred to the regulations by the existing law; he would first call attention to the minor amendments proposed in the existing law, and he would then proceed to those clauses which would be regarded as new enactments. With respect to various amendments of the existing law, the Bill related to matters such as the by-laws, and as were merely of a verbal nature, the law remaining practically in the same state as at present. There was a very important question on which they proposed an amendment on the existing law—the appointment of police during the construction of a railway. Under the present system there was no power vested in a magistrate to appoint police, and to require the company to pay the expenses of such police, in England, except in cases where actual outrage had occurred. In Scotland it was different. The magistrates had the power, while a railway work was in course of construction, drawing a large number of persons together, of calling on the railway company to pay the expenses of the police. He had reason to believe that the system had been attended with the greatest advantages; and it was highly desirable that the law in England should be assimilated as nearly as possible to this state of things, in order that the magistrate should not have to wait for an outbreak of violence before he called in the police. It was, no doubt, indispensable that this power should not be altogether discretionary, because the magistrates, in some instances, might be interested parties. The appointment of police, would therefore, only be permitted on the application of two justices to the Commissioners; and the Commissioners would be bound to hear whatever objections the railway company might have to offer. There was another subject of great importance, which had reference to cheap trains. It would be recollected that by a former Act companies were required to carry the lower classes of society, who had not the means of paying the higher fares, in carriages that would be protected from the weather—that they should have seats—and that they should be carried not less than twelve miles an hour, at not more than a penny per mile. That regulation had given universal satisfaction, and had proved beneficial to the poorer classess; and, so far from being injurious, companies admitted the advantage of conveying passengers in that way. Complaints, however, had been made by passengers conveyed in this manner. Those complaints were made by persons in inferior station, who did not find it so easy as others did to make their voices heard in that House, but who were not on that account the less entitled to be heard; for if any class were entitled to the attention of a board like the Railway Board, it was the persons of an inferior class, who had not the means of protecting themselves. One of the complaints that was made on the subject was with respect to the overcrowding of the passengers in these carriages. It was complained that those carriages were intended only to hold a certain number of persons, but that people were crowded into these carriages in such a manner as to subject the passengers to great inconvenience. That was inconsistent with the intentions of the Act, for under such circumstances it would be impossible for persons in feeble health to avail themselves of the advantages conferred on them by the Legislature. It was said they must apply the same law in this case as existed with regard to stage coaches—that was to limit the number of passengers, and lay a penalty beyond it; but he thought that any such proceeding would be unjust to railway companies themselves, for it would be scarcely possible in many cases to prevent a greater number of persons from crowding those carriages than could be accommodated in them, and therefore they would be subject to a penalty from which he should like to protect them by an enactment in this Bill; and the mode in which they proposed to afford redress in this case was this: it was proposed that on the complaint of any passenger in such carriage, that there was more than the authorized number in that carriage, that then the officer of the company be required to remove them, and in case of refusing to do so, he was to be liable to a penalty. It was also desirable that there should be lights in those carriages, as in the case of other carriages. With regard to unnecessary stoppages, and to the representations that were made that those carriages which were to carry passengers twelve miles an hour were compelled to remain a long time at certain stations, that had been met by a clause in this Bill. He would now call attention to a question between the railway companies and the public, or between the railway companies and the Chancellor of the Exchequer. He referred to the conveyance of the mails. Every person who was aware of the regulations on the subject at present, must admit that the law was in an unsatisfactory state. In case of a disagreement between the Post Office and the railway company, as to the rate at which the company was to convey the mails, the rule was that arbitrators should be appointed, one by each party, and in case they did not agree, that an umpire should be appointed. No principle was laid down to regulate or judge their decision on the subject. If the two gentlemen appointed arbitrators did not agree, they chose an umpire; and he took, perhaps, an intermediate course between the two. He did not object to the mode of arranging proceedings by arbitration; but there should be some rule to regulate the proceedings of the arbitrators; and it was now proposed that the company should be paid for the whole of the extra expense incurred by them, and in addition to that should receive a profit in the shape of a per centage upon the amount of such additional expense. He would next refer to the regulation which it was proposed to make for the conveyance of military and police. By the Act formerly passed, it was thought proper to convey the military force of the country at a somewhat lower rate than ordinary passengers, and the fares charged under that Act to the military were lower than the fares charged to ordinary passengers; but since that time the fares had varied, and therefore, he believed, in some cases at present the prices which they had a right to demand for the conveyance of the military were higher than the charges for ordinary passengers. What was proposed now was, that instead of making the fares for the conveyance of the military a fixed sum, it should be a proportionate sum as compared to that which was charged to other passengers. Then as to the conveyance of the Commissioners of Railways and inspecting officers, he would state the nature of the proposal which he had to submit. It appeared to him that, supposing the railway companies were to be at any extra expense for the conveyance of those persons, they should be at liberty to charge that expense to the public; but where such conveyance did not lay any extra expense upon the companies, it did not seem fair that the public should be subjected to any charge. He believed that a good deal had been said in the way of objection to these new enactments, as if they improperly interfered with the railway companies in the management of their concerns. Now he would give it as his decided opinion that nothing could be more injurious than that any public board, appointed for the supervision of railways, should take upon itself even the appearance of interfering in the management of railways. He believed that such interference would be injurious to all parties; and, therefore, if it was any satisfaction to the hon. Gentleman opposite (Mr. Hudson), he was fully prepared to go with him upon that point, and to state that nothing was further from the intentions of the Government in promoting this Bill than to sanction any interference with the management of the railway companies. There was one exception to what he had said, and that related to the case of what was called terminus railway companies—viz., two or more railways, having one terminus in common, or making use of the same station. It was of great importance in cases of dispute between railways in these circumstances that the Commissioners should have the right to interfere. By the present law it was provided that where two or more railways had a common terminus, and were unable to agree upon points affecting the public safety, it was lawful for the Committee of Council on Trade, on the application of either party, to decide the question so far as the same should relate to the safety of the public. In the Committee that sat on this subject last Session, however, a complaint was made that this was not sufficient. Mr. Hawkshaw, in his examination before that Committee, was asked, in reference to the appointment of Commissioners, "Do you consider that they might act beneficially in cases of disputes?" Mr. Hawkshaw answered, "Yes, in many cases, because one company does not always understand what may be the arrangements of another. There were many links in a chain; one might fail and render the whole worthless; and in such a case the interference of the Board might be most useful." Mr. Glynn also recommended the interference of the Board in such cases of dispute; and he thought, after the evidence of these gentlemen, a case was made out for the intervention of the Board, not however limiting it to the cases only where the public safety was concerned, but extending it to cases which concerned the public convenience. He was not aware that there would be any other interference with the management of railways. With respect even to the proposed interference, he should be disposed even to dispense with that if it could be shown that it could be done with safety to the public. The object of the enactment was not interference, but to carry out that which had been suggested by numerous Committees, namely, that the proper course for a railway board of this kind was not to interfere directly in the management of railways, but by its suggestions be enabled to obtain for the public information on all those points in which the public interests were directly involved: in the first place, that the Commissioners should have power to call for returns, and, in case of necessity, testing those returns by reference to the books of the company. This had been objected to more than almost any other provision of the measure. If it was the opinion of the Legislature that there should be a Board for the supervision of railways, it was of the utmost importance that they should get the fullest information to lay before the public. There had been two objections raised against this. The first was, that these powers might be vexatiously employed. Now, he did not believe that, with the responsibility of the Railway Board to that House of Parliament, a power of annoying any railway company could be exercised. Indeed, he felt that it was too ridiculous to be seriously put forth. Since he had been in office, applications had often been made for returns relative to railways, and he had several times refused to assent to the request, as he knew that they could not be furnished by the railway companies without considerable trouble. He thought, when the House came to consider the subject, it would be satisfied that it was not very likely that it could find any railway board of this kind indulging in the vexatious employment of the powers intrusted to it against any particular railway company. The second objection was, that by the production of the books of the company, private and confidential information as to its affairs might be disclosed. He did not know what was the nature of this private information so obtained, which it would be detrimental to the company to have made public. He had already shown in a previous part of his speech, that such information relative to these companies would be advantageous to the public; and he regretted that the companies should object to such a provision. Indeed he was not aware what matters there were in these great companies which could be properly called matters of private and confidential information. One of the witnesses examined before the Committee of last year was a gentleman connected with the French railways, and he stated that the French companies were obliged to keep their books in duplicate, one set of which was always sent to the Government. He did not propose anything of the kind; but this gentleman connected with the French railways said, that not the slightest inconvenience resulted from the system, and the companies in France saw no objection to it. The question really was, whether it was an improper inquiry in insisting on returns as to the salaries of the officers of the company, and the wages of the engineers and guards. He thought that occasionally it would be found very great utility would result from inquiries of this kind. He had been told that the strongest objections were entertained on the part of some of the companies to disclose the salaries and wages paid to the persons they employed; but he felt most strongly, that in many instances it was of the highest importance for the public interest that such information should be furnished. He would take an instance in illustration: Suppose on a certain railway a great many accidents had occurred, which had produced great excitement and alarm in the public mind, and on this railway it did not appear that there were any exceptions to be taken to the regulations of the company, and that these had been steadily adhered to and obeyed, it might then appear that the fault arose from the circumstance occurring of persons being employed by the company at insufficient salaries, and who were not competent to the proper discharge of the duties required of them. He did not allude to any particular case; but it was obvious such cases might arise on the part of companies anxious to cut down the expense of working their lines. In cases like this, such returns would furnish important information. For this reason, and seeing no other objection to the disclosing the amount of salaries and wages paid, he certainly was not inclined to yield to the proposal not to require such returns. If it could be shown that it would prove injurious to produce such private information, let an Amendment be proposed in Committee on the Bill. Then with respect to the register which was to be kept at certain stations, at the suggestion of the Commissioners, as to the arrivals of the trains, great misapprehension had arisen on this point. He had seen a pamphlet and papers which had gone forth, and which strongly condemned this provision in the Bill, because it would entail great inconvenience on certain companies. There was no ground for the objections raised against the clause in the Bill; but if any one chose to draw up a clause of his own, essentially different from that proposed to be enacted, of course it would be easy enough to start all sorts of objections. It was provided by the Bill that registers should be kept at such stations—and at such stations only—as the Commissioners should direct, and that these registers should be transmitted to the Commissioners either weekly, or as often as they should direct; so that instead of a register being required to be taken at every station, it might not be asked for at more than one in twenty; and instead of being called for weekly by the Commissioners, it might not be asked for more than once in several weeks. This register would give little additional trouble to railway companies. He believed such register-tables were kept at present on some lines; but he wished to secure the right to require some official returns as to the punctuality of trains. He thought this question of punctuality had an important bearing as regarded the safety and manner in which the companies discharged their duties to the public. They had been told that to secure punctuality, the trains would often be run at an inconvenient speed; and, therefore, it would be attended with danger. Now, he believed that the want of punctuality was most injurious, and had been productive of great danger to the passengers, for it would be found in most instances that it arose from a want of an effective working stock on the part of the company. At any rate, by means of this clause the degree of punctuality on any line might be ascertained; and he could not see what inconvenience could arise from it. On the contrary, he believed that the register-table would have a beneficial effect on both the officers and the companies. There was another point which he conceived it would be hardly necessary for him to vindicate, namely, that there should be a table of fares and time placed up in each station. It was only just that a person should see that he was not called upon to pay more than his proper fare. Another minor point was, that the companies should give notice to the Commissioners of any repairs and alterations being made by railways. He thought, as these companies had the monopoly of the highways, and of the conveyance of the country—and of which he did not complain, for, on the whole, it might be advantageous—he thought that it was only just and proper that they should give public notice of any alterations proposed to be made by them in their rates and tolls. It was highly improper that a person should go down to a railway station with sufficient money in his hand to go to a certain distance—and he knew a case of the kind had occurred—and then be told that the rates had been suddenly raised, so that he was prevented going. It was not only desirable that notice should be given to the public of those alterations, but to the Commissioners also, as one of those points which ought to form the substance of their annual report to Parliament, the grounds for furnishing which he had already stated to the House. He hoped he had kept his word, and proved to the House that all the new enactments of the Bill were founded entirely on the principle of obtaining information for Parliament, and on the principle of giving notice to the public on all those points in which the public required it. Upon another point there had been great misrepresentation—he meant the question of penalties. It had been asserted that these were only traps for railway companies at every step. It had also been stated that the penalties could be enforced at the instigation of common informers, and in a manner which must prove most injurious to the interests of the companies. Of course, if certain things were enacted, it was necessary to take steps to see that they were really carried out; and, therefore, penalties must exist so as to enforce the observance of the law. With respect to the penalties proposed under this Bill, there was not once case in which a railway company was liable to a summary conviction before a magistrate for any offence under this Bill; nor was any penalty imposed by this Bill to be levied by information, except in one case, against railway officers; but there was no single instance, from one end of the Bill to the other, in which railway companies were liable to penalties by information; in all cases the penalties were recoverable at the suit of the Crown—and at the suit of the Crown only—by action at law in the superior courts. He was anxious that this part of the Bill should be fully understood, because he had heard that the supposed hardships to which railway companies would be exposed in this respect had been made the ground of resistance to the Bill. He felt bound at this point to state, that ever since he had been in office he had found that, so far from the railway companies wishing to resist the Commissioners in the law, they were most ready and willing to yield to any suggestion made to them, and to give every information: he should, therefore, feel sorry if it were supposed that he wished to subject them to penalties to be enforced at the instigation of common informers. He had now gone through all the grounds on which this Bill rested. He had stated, he believed, fairly the intentions of those who had prepared it; and he now wished shortly to state the intentions of the Government with regard to this measure. In obedience to the expressed instructions of the House last Session, this Bill had been prepared during the recess, and it was brought forward at an early period of the Session; but in consequence of the pressure of important business which would admit of no delay, and more especially with respect to those measures respecting Ireland, its progress was necessarily postponed until a late period of the Session, when the Government was still anxious to proceed with it. The Government, however, had received notice from parties opposed to the Bill, that they were determined by every means in their power to oppose its progress, and to delay it by every means which the forms of the House admitted of. He thought from this that it was pretty clear, at that period of the Session, that such a Bill could not be carried in a satisfactory manner, unless with very great delay, which would be most inconvenient at that period of the Session. Under these circumstances, the Government thought that they would not act wisely to enter upon any discussion of a measure of this kind, which might end fruitlessly and with no practical result; they had, therefore, come to the conclusion that it would be the best course to adopt to withdraw the Bill for the present Session. It was, however, the intention of the Government, early in the next Session of Parliament, to introduce another Bill, founded on similar principles to the present measure. In conclusion, he was obliged to the House for the attention and kindness with which they had listend to him; and he should beg to move that the Order of the Day for the second reading of this Bill be discharged.

Colonel SIBTHORP said, he had never in his life known such vacillation on the part of a Government. Was it fair that the House should be thus trifled with by a Government, which was, if possible, worse than the last? They had been brought down to the House, and sat listening for two hours to a speech of the right hon. Gentleman, which had ended in nothing. For shame! Was it fair to hon. Members to be brought down to the House, and thus treated with contempt? When he heard the right hon. Gentleman's concluding declaration, he suspected—and he believed the right hon. Gentleman the Member for Sunderland (Mr. Hudson) must have had the same impression too, for he was too honourable a man to be intriguing with Government—he might suspect, and he did suspect, that there had been gross underhand business connected with the management, or rather the mismanagement of this Bill, when they saw the Government daring to insult the people of this country in such a manner. He thought the House would agree with him that it was insulting to the country, and trifling with the country, for the right hon. Gentleman to bring hon. Members down to the House to listen to a two hours' speech, and then subject them to this unworthy treatment. Talk of bringing in the Bill next Session: they dared not do it; they would shrink from it. He reserved to himself the right, and he gave notice of his intention, to call the attention of the House, on the first Committee of Supply, and to bring before the public the mass of evidence of gross misconduct connected with these monopolizing schemes. The House must take steps before it was too late to secure the public against the effects of this misconduct. He asserted that the public were not aware of one-twentieth part of what had occurred with regard to railroads. He knew that the gentlemen who conducted the public press did, as was their duty, give publicity to what was going forward; but in spite of their attention, and assiduity, and fidelity, and accuracy, they were not aware of many facts of which he possessed a knowledge. The next Parliament, he expected, would be a railroad Parliament; and the Government would say there was such an opposition to the measure that they feared to be left in a minority, and thereby lose their situations; and they would, as they had done now, truckle to the railway interest, as they often did to parties on their own side. Oh, what a melancholy state of things was this for the country! If that great man, Mr. Pitt—to whose memory he had a few days before, with others, done honour—were in the House, he might truly exclaim, "Oh, save my country!" He hardly believed such conduct had been exhibited by any Government. He did not believe it was the intention of the Government to attempt to introduce this Bill next Session; but if he were returned to the next Parliament he would take up the question of railroads, which he had been prevented from doing now by the pusillanimity of the present Government. He could not sit down without expressing, not his regret, but his satisfaction, at having had an opportunity of witnessing their pusillanimity—so worthy of the Government.

Mr. ROEBUCK said, a more undignified way of disposing of a measure by a Government he had never seen. He found upon the Paper a notice that the Chancellor of the Exchequer was to move the second reading of the Railways (No. 2) Bill, before the other orders; and he had come down with other Members, expecting that the Government, as they had solemnly declared, were to go on with the Bill; and he found, on a sudden, that the Bill was to be withdrawn. They had thus lost a day, and great part of another day, and had had to listen unnecessarily to a two hours' speech. He thought that something must have happened since the Votes were printed. The House had missed one Railways Bill; there was another, the Railways (Ireland) (No. 2) Bill. He was anxious to know whether the noble Lord would at once give up the Railways (Ireland) Bill? He wished to pay every deference to the noble Lord, as to the mode in which he proposed proceeding with his own measures; but he must at the same time observe, that that was a measure which could not pass without considerable discussion; he, therefore, wished to know whether the noble Lord intended to press it during the present Session?

MR. HUDSON said, he wished to express his acknowledgments to the right hon. Gentleman at the head of the Railway Board for the withdrawal of the Bill under the notice of the House. It appeared to him, that the right hon. Gentleman had acted very wisely in not pressing its adoption. For his part, he should be quite ready to rest his disapproval of the measure on the speech delivered by the right hon. Gentleman that evening. He should not then enter into the general merits of the question; but he wished to take that opportunity of expressing his belief that, as the managers of railways had, according to the admission of the right hon. Gentleman himself, always shown their readiness to attend to the suggestions of the Commissioners, there could be no necessity for that Bill. The right hon. Gentleman had stated that he would bring forward a similar measure next Session; and he could assure the right hon. Gentleman that in that case he should meet with an opposition similar to that he had met in his attempt to pass the Bill then before the House. He denied that the representatives of the railway interest had offered to the Bill a factious opposition. [Mr. STRUTT: I did not say they had.] The representatives of the railway interest were convinced that, after a full discussion, it would be impossible that that Bill could be passed; but they were ready to accede to any proposal which they believed could confer any real benefit on the public. He could assure Her Majesty's Government that nothing could be productive of so much inconvenience as a constant tampering with property, which, at present, amounted to nearly 200,000,000*l.* Within the last few years the managers of railway companies had reduced their rates and charges fully 40 per cent, without any interference on the part of the Government; and the public were at present enjoying the advantage of that reduction. He thought that under such circumstances it would be wise and prudent for the Government to leave well alone, and not to attempt any new legislation in a matter in which legislation was not called for. There was no report from any Committee to justify many clauses of that Bill; and he believed that the measure, as a whole, would have been found altogether impracticable. Let it be remembered that railway companies were liable to great competition. During the last Session, Bills for lines which would cost 92,000,000*l.* had been passed; and of the 92,000,000*l.* upwards of 67,000,000*l.* would be expended in the construction of lines independent of the old companies. He was convinced that it would be better to give railway companies a fair trial, and to treat them with generous confidence, than to attempt to interfere with a system which had already been attended with such great success and such great advantage to the public. It should be borne in mind, that the promoters of railways did not derive from them any exorbitant profits. He found that out of 115,000,000*l.* of railway capital, there were only 16,056,000*l.* paying an interest of 10 per cent; only 1,250,000*l.* paying an interest of 9 per cent; only 5,370,000*l.* paying an interest of 8 per cent; only 14,624,400*l.* paying an interest of 7 per cent; only 6,573,466*l.* paying an interest of 5 per cent; so that the whole of the railway capital paying more than 5 per cent was only 43,873,866*l.* In conclusion, he begged leave again to express his gratification at the withdrawal of the Bill.

MR. W. R. COLLETT said, that, before the noble Lord at the head of the Government proceeded to answer the question of the hon. and learned Member for Bath, he wished to say a few words on the Railways (Ireland) Bill. He believed that if that Bill were postponed, and if the promoters of Irish railways did not obtain the money which had been already voted by that House, and promised by the Government, the greatest possible evil would accrue to Ireland. The managers of railway undertakings in that country had hitherto employed great numbers of labourers on the faith of those assurances of assistance held out to them by the Government; and if that assistance were withheld, the most prejudicial consequences would follow. Under these circumstances, he earnestly hoped that Her Majesty's Government would not consent to postpone the Railways (Ireland) Bill.

LORD J. RUSSELL said, that with respect to the Railways Bill, he certainly was not disposed to say much, after his right hon. Friend had intimated to the House that it was to be withdrawn. He did not think that the measure would involve a vexatious interference with railway property, as the hon. Gentleman the Member for Sunderland seemed to imagine that it would; and that certainly was not the object of the measure. The object of it was rather to improve our railway system, without any unnecessary interference with railway property. He had on more than one occasion spoken in that House in favour of the general railway system of this country; and he agreed with the right hon. Gentleman that it was better that our railways should be in the hands of private companies, than in the hands of the Government. There were, however, certain rules established with regard to railways, and those rules ought, he thought, to be made as perfect as legislation could make them. After that was done, he hoped there would not be any necessity for any further interference with our railway system. He trusted that by further explanations between the managers of the leading railway companies and the Government, the Bill that might be brought in next year would meet with more general support than the present measure. The Government had understood that the principle of the Bill was likely to be discussed at very great length on the second reading; and that afterwards in the Committee the 110 clauses of which it consisted would be the subject of frequent amendments and protracted discussion. Under these circumstances, it appeared to him that the better course was, that they should postpone the Bill till another Session. But his right hon. Friend felt very naturally that as the Bill had been the subject of very exaggerated mis-statements in many pamphlets and other writings circulated among the public, and calculated to alarm railway shareholders, it was right that he should enter into an explanation that might tend to dispel unfounded misapprehensions. He was ready to admit that the Government had come to their determination upon the subject rather late, and with some inconvenience to themselves, because they were unable, in consequence of not having given the necessary notice, to proceed with any other business that evening. He believed that although the hon. and learned Member for Bath had found some fault with the course pursued by the Government in that matter, it was not an unusual course to bring measures before the House, to allow them to be debated, and then, on finding the state of opinion in the House and the country, to withdraw at a certain period of the Session such of these measures as might lead to very protracted discussion. There was one circumstance on which no Government could calculate, and that was, the length to which certain debates might be prolonged. There had been of late two or three questions before the House, each of which, although he had thought it would occupy but one night, had, in reality, occupied three or four nights, and had interfered with the progress of other business. The hon. and learned Member for Bath had asked him what the Government meant to do with the Railways (Ireland) Bill. His right hon. Friend had already stated, in the early part of the evening, that the Government proposed to proceed with that Bill on Monday next. They should take it on that day; and he should observe, that the Bill was one on the general principles of which the House had already pronounced a decision. His opinion with regard to that Bill was entirely different from the opinion of the hon. and learned Member for Bath. His opinion shortly was, that having had during the present year to contend with the very great and sudden calamity of a failure of the principal food of the people of Ireland, what was most urgent and most necessary was, that some immediate remedy should be applied to that calamitous state of things; and that the utmost that could have been expected of the Legislature and of the Government was, that they should have applied a temporary remedy to that very great evil. They had done that with more success than he could have expected, although they had done it at the cost of a vast expenditure of the public money. He was happy to find that deaths from starvation, of which they had some time since heard so much, had of late been very few in Ireland, and that great quantities of food had been imported into that country, and had reduced prices there much below prices on the Continent. But after they had applied a temporary remedy to the temporary evil, there remained for them a still more serious and a more difficult task to perform. It was that of endeavouring, by various measures, which, on the one hand, must not be so extensive as to be impracticable, and, on the other hand, must not be so trifling as to be inefficient, to lay the foundation of a better state of things in Ireland, and to ensure to the people henceforward a subsistence of which a small portion only could consist of the potato. He believed that encouragement from time to time to public works in Ireland would be most useful for the attainment of that object; and he knew no more useful public works that those railways which had been recommended by the Commissioners appointed ten years ago. That was the general view which he took of the subject. The Government were prepared to press forward this Session the Railways Bill. It remained to be seen whether or not the hon. and learned Member for Bath, who spoke with some asperity on the subject, would press his opposition to the measure.

Lord G. BENTINCK wished only to warn people that they were not to take for gospel all that had been said by the right hon. Gentleman the President of the Railway Board as to the harmlessness of the Bill which they were to have discussed. He thought that it was an interference with the interests of railway companies which was quite unwarrantable, and not to be endured; and when the noble Lord the Prime Minister said that it was not unusual for a Government to withdraw a Bill after debate, he begged to remind the House, that the only debate which they had heard was the two hours' speech of the right hon. Gentleman. He, however, rejoiced to hear that that speech had convinced the noble Lord, as it had convinced the hon. Member for Sunderland, that the Bill ought to be abandoned. As to the Irish Railways Bill, it should have his cordial support. His only displeasure with it was, that it did not go far enough—that it did not include all the other railways which were in a condition to offer good security; and when the Bill was brought forward he should draw the attention of the House to the claims of the Midland and Great Western Railway of Ireland, which sought a share in the Government loan, and was in a condition to offer security for interest amounting to 15,000*l*. a year, which by the end of the month would be increased to 52,000*l*. By this time the noble Lord must have discovered that a much more advantageous way of employing the people would have been that which he had recommended at an early period of the Session; for it had been admitted that before the year was out nearly ten millions would have been spent in feeding the people of Ireland, without the smallest expectation of permanent benefit; and although, when his measure was under discussion, it had been denied that its effects would be to give employment to Irish labourers, the report of Mr. Walker had now set that question at rest; and now it could not be denied by any Member of Her Majesty's Government, or any other hon. Gentleman, with any show of reason, that the railways of Ireland, if they had been constructed, would have been constructed almost exclusively by Irish labourers; and that the sum which he had proposed should be expended upon those works would have employed at least the number of persons which he had named; and he thought that that sum of money so expended would have saved the country a large portion of the ten millions admitted by the Government to have been unprofitably expended. With respect to the other Orders of the Day, he had no objection to make to any except the Bill for the suspension of the Navigation Laws, as to which he might defy the noble Lord to show any good that had accrued therefrom to this country, so far as the importation of corn was concerned. To the third reading of the Bill for the suspension of the Corn Law, he could not consistently have any objection, because under the sliding-scale, which he had so often defended, all manner of grain would have been admitted at a nominal duty for many months back; therefore, consistently with his adhesion to the sliding-scale, he could not resist the suspension of the present Corn Law.

Mr. CARDWELL wished to observe, in no unfriendly spirit, that it was absolutely necessary there should be an harmonious co-operation between the Government and the managers of these great railway undertakings. Last Session a Bill was introduced by the Government respecting railways; but, being opposed by the directors of railways, it was withdrawn. This Bill had been, under similar circumstances, withdrawn. Now, he understood the right hon. Gentleman (Mr. Strutt) to say, that in the next Session the same Bill would be brought forward again. Would it be persevered in? There ought to be principle observed in railway legislation. If there were great abuses in the railway management, which could not be remedied without the interposition of Government and of legislation, then that legislation ought to be prosecuted effectually. But where the authority of the directors alone was sufficient, then the inevitable result of legislation must be to disturb that harmonious co-operation which hitherto existed, and which ought to exist, between the railway companies and the Government. By attempting to force an authority which was not necessary, the public confidence would be shaken in the superintending power of the Government; and that control which they wished to exercise, and which, within certain limits, might be salutarily exercised over the railways of this country, they would fail to obtain. If it were necessary to legislate, they should do so with energy and effect; but, if possible, they should carry on their legislation with the co-operation of these great interests; and, above all, there should be few measures introduced by the Government resisted by the companies, and then withdrawn.

Order of the Day discharged.

Railways Bill withdrawn.

MEDICAL REGISTRATION BILL.

Mr. WAKLEY had asked himself what chance he had of carrying this Bill if Ministers were thus obliged to abandon their measures? The Session would be brought to a close shortly; and the arrangements made when he moved the Committee of Medical Inquiry was, that he should not move the second reading of the Bill till they had made a report. Now, five witnesses from the College of Physicians had been examined before that Committee, one from the College of Surgeons, and several more from the council of that college, and also several from the metropolitan societies were to be examined against the Bill. He feared that, under these circumstances, he had no chance of passing this Bill this Session; he wished, therefore, to give the House no unnecessary trouble by keeping the Bill on the Paper; and as the Executive Government had found it necessary to withdraw their measures, he could not hope to press his. But he gave notice, that, if he should be so fortunate, or so unfortunate, as to have a seat in that House next Session, he would, at its commencement, move the reappointment of the Committee.

Order of the Day for the Second Reading of the Medical Registration Bill discharged, and Bill withdrawn.

House adjourned at a quarter past Eight o'clock.

HOUSE OF LORDS,

Tuesday, June 22, 1847.

Minutes.] Public Bills.—1ª Police Clauses; Royal Marine Service; Corn, &c. Importation.

2ª Westminster and part of Middlesex Sewers.

Reported.—Van Diemen's Land Company; British American Land Company; Out-Pensioners (Chelsea and Greenwich); Collection of Duties (Port Natal); Destitute Persons (Ireland) (No. 2).

3º and passed:—Trust Money Investment (Ireland); Naturalization of Aliens; Newfoundland Government; Loan Societies; Prisoners' Removal (Ireland).

Petitions Presented. From Leeds and several other places, for the Enactment of Sanitary Regulations.

BISHOPRIC OF MANCHESTER, ETC. BILL.

On Motion, that this House do now resolve itself into Committee,

The Bishop of EXETER wished to observe, that he should be most anxious to support the Government in carrying this Bill in its main provisions, but felt a strong objection to one part of it, as it stood at present. The first clause stated that Her Majesty had issued a Commission for an inquiry into the state of the several bishoprics in England and Wales

—"with special reference to the intentions therein graciously declared by Her Majesty, that a measure should be submitted to Parliament for continuing the bishoprics of St. Asaph and Bangor as separate bishoprics, and for establishing forthwith a bishopric of Manchester; and also, so soon as conveniently might be, three other additional bishoprics; regard being had to the circumstance, that Her Majesty did not contemplate the issue of Her writ to the new bishops to sit and vote as Peers of Parliament, except as vacancies should from time to time occur among the bishops of England and Wales, now so sitting and voting."

Now, there was a grave doubt whether that was consistent with the law, and the privileges of the House. Lord Coke and Sir M. Hale laid it down that the Crown was bound, *ex debito justitiæ*, to issue a writ of summons to Parliament to every bishop *quâ* bishop, not only in the case of bishoprics already existing, but of every one that might exist. Under these circumstances, he felt bound to say non-content to going into Committee, for regularity sake; but should not at the same time persist in any opposition to the committal of the Bill.

Lord BROUGHAM concurred in the right rev. Prelate's objection to the expression brought under the notice of the House; but, nevertheless, he did not think that the mere recital of what had been wrongfully done, would taint the enacting portions of the Bill.

The LORD CHANCELLOR explained, that the recital had only reference to the intention of Her Majesty in issuing the Commission; and the second clause of the Bill provided the power of carrying that intention into effect. Therefore it was not contemplated that this arrangement should be made without the sanction of Parliament.

House in Committee. On Clause 2, enacting that the number of Lords Spiritual shall not be increased, being read,

Lord REDESDALE moved the omission of the clause for the purpose of inserting the following clause:—

> "And whereas Doubts may arise whether Bishops of the new Sees to be established under the Powers of this Act, may not demand as of Right Writs of Summons to Parliament, be it enacted, pursuant to the Declaration of Her Majesty hereinbefore recited, That until Her Majesty shall be graciously pleased to summon to Parliament any Bishop holding One of the said Sees, no Bishop holding that See shall be entitled to demand as of Right a Writ of Summons to Parliament."

He was induced to make this Amendment, both in reference to the prerogative of the Crown, and the privileges of the Peerage of that House. He thought it not right that the Crown should be deprived for the future of a power exercised by all Her Majesty's predecessors; and, the right of issuing writs of summons being with Her Majesty alone, he wished to leave the Sovereign's prerogative untouched. With respect to the Peerage of this country, this was the first time it had ever been proposed to interfere with the right conferred by it. That House, it was true, had been at one time abolished altogether; but it had never been at any other period denied, that where the Peerage was conferred, there the right to a summons existed. There were precedents, undoubtedly, of parties guilty of offences, attainted, for instance, being excluded from the House; and there was an early instance of a Peer not being allowed to attend the House on account of poverty. But in these instances it was supposed that there existed some personal disqualification against the holders of the Peerage exercising their right. The second clause, however, of the present Bill proceeded upon a totally different principle. Supposing Her Majesty were to declare that the number of Temporal Peers in the present House was large enough for all purposes, and supposing it was proposed to enact by Bill that the number of Lords Temporal should not be increased, what would be thought of such a proposition? Yet it was quite as justifiable to restrict the number of Temporal Peers as the number of Spiritual Peers. He thought the precedent dangerous to the Peerage of the country. On these two grounds he had the strongest possible objection to the clause proposed by the Government. With respect to the addition to the number of bishops in that House, he believed that these four bishops might have been added to the number already in the House without the risk of incurring objections of any strength. He considered that those bishoprics which had been represented in their Lordships' House for many years ought not, under any circumstances, to be deprived of that right. The Bill, in its present form, would establish a most dangerous principle; and he hoped their Lordships would be of opinion that no restriction should be placed on the power of the Crown, and that they would assent to his proposal.

The Marquess of LANSDOWNE opposed the Amendment, the effect of which would be to alter most materially the character of the Bill. The object of the Bill was to enable the Crown to create a new bishopric of Manchester; but it was provided that in consequence of such creation the number of Lords Spiritual, who held seats in that House, should not be increased. The Bill would not deprive the Crown of any prerogative, for Her Majesty would still continue to issue writs of summons to the same number of archbishops and bishops as at present. He contended that it was open to Parliament to regulate the conditions upon which any new see should be created; and that the practice established with regard to Irish and Scotch Representative Peers was a precedent for the course Her Majesty's Ministers now proposed to take with reference to the Lords Spiritual. The second clause of the Bill provided, that when there was a vacancy among the Lords Spiritual, by the avoidance of any of the sees of Canterbury, York, London, Durham, or Winchester, such vacancy should be supplied by the issue of a writ of summons to the bishop who should be elected to the same see; but that if such a vacancy was caused by avoidance of any other see in England or Wales, such vacancy should be supplied by the issue of a writ of summons to the bishop who first did homage for his see, or for any other see in England or Wales, of those who had not previously become entitled to such writ. The Bill, therefore, would not interfere in the slightest degree with the prerogative of the Crown; and he hoped their Lordships would not sanction the alteration proposed by the noble Lord opposite.

LORD STANLEY observed, that the Government had announced their intention of proposing to Parliament an addition to the number of bishops; and they now proposed the creation of one new bishopric, and the number was ultimately to be increased to four. But the noble Marquess opposite had stated that he considered it essential that the number of Lords Spiritual at present occupying seats in that House should not be increased. He (Lord Stanley) doubted whether it was essential to the success of this measure that no addition should be made to the number of Peers in that House; but, even if that were the case, he could not but think that the Government had pursued a most objectionable course. The limitation of the number of Lords Spiritual which it was proposed to establish by this Bill, was not only an infringement of the prerogatives of the Crown, but he also considered that it was a dangerous invasion of the rights and privileges of all the Members of their Lordships' House, temporal and spiritual. He thought that if any large addition was made to the number of bishops, it must be by constituting bishops circumstanced very differently from those who now held that important office. If any very considerable increase in the number of bishops were contemplated, it would be absolutely impossible to act upon the principle laid down by this Bill; for, if a large increase were made in the number of bishops, and at the same time all the bishops except twenty-four were excluded from that House, they would probably exclude, for a considerable period at least, many of the younger and more diligent and active men. But if no large increase in the number of bishops were contemplated, if the total addition was not to exceed four, then he (Lord Stanley) said that the objection which might possibly be raised to so small an increase in the number of Lords Spiritual was of infinitely less weight and importance than the disadvantage of introducing the great practical anomaly of a certain number of bishops holding seats in that House, and a certain number—exercising in all respects the same functions, possessing precisely the same authority—being contradistinguished from their brethren by the fact of their not having seats in their Lordships' House. Although the noble Marquess had said that this Bill would not affect the prerogative of the Crown, because the Crown had now only the power of calling twenty-six bishops to that House, yet it would clearly so far invade the prerogative of the Crown as that, by Parliamentary vote, it would prohibit the Crown from summoning an additional number of Lords Spiritual to sit in Parliament without the express sanction of Parliament in each individual case. He considered, however, that the Bill was most objectionable, as affecting the rights and privileges of their Lordships. The principle the Bill laid down was this—that while at the present moment every Lord Spiritual, as well as every Lord Temporal, had a right to demand a writ of summons, that right was, in the case of all bishops hereafter appointed, to be taken away. Why, they might as well deprive the sons or successors of any Lord Temporal of the right to sue out a writ or summons, and to demand a seat in that House, until the Peers had been reduced by deaths or other causes to a certain number. He (Lord Stanley) protested against such an infringement of the prerogatives of the Crown, and such an invasion of the privileges of the Peerage.

The LORD CHANCELLOR said, the noble Lord had objected to many parts of this scheme, but their Lordships had not heard what plan he would substitute for it. The noble Lord objected to the exclusion of the new bishop from the House; but as it was granted that the number of bishops should exceed the number of the episcopal seats in the House, it was absolutely necessary to make the rule of exclusion in some instances. But the present proposition would not go to exclude the bishop from the House at all. It merely provided that he should not be admitted till there was a vacancy for him. The noble Lord had told them that this proposition was a breach of the privileges of the House, and, more astonishing still, an infringement of the privileges of the right rev. Bench and of the House. There was no question that when a bishop was appointed to a new see, he was entitled as a right to receive a summons to the House; but that case did not hold good with respect to a new bishop; and it rested with the Crown to call him to a vacant seat when it occurred. He could not see, therefore, how the prerogatives of the Crown or of the Bench could be interfered with; nor could any precedent be drawn from the case of the Irish bishops. A new bishop was not a

Member of the House at all. He did not see, therefore, how there could be any interference with the rights of the Episcopal Bench, or of the individual bishop. It had been attempted to draw an analogy between the members of the right rev. Bench and of the temporal Peerage, but it could not be maintained. Every Peer of the realm had a right to all the privileges of the Peerage, not only for himself but for his successors; and if any attempt were made to exclude him, he had a right to claim his rights for his successor; whereas you take nothing away from the bishop by depriving him of his seat. The whole question for the House to decide upon was, if the new bishops should all have seats in the House without any limitation as to numbers. The want of bishops was severely felt in every district; and it was for their Lordships to consider whether they should not supply that want without adding to the numbers of the episcopal seats in that House. It would be very injurious to introduce a system establishing a distinction in this respect between members of the same body; and the only plan they could adopt, as it was decided that the number of bishops should be greater than the number of seats, was, that the newly-chosen Prelates should be summoned to their Lordships' House as vacancies occurred in the Episcopal Bench. There was no resource but to adopt the present method. And was it the first time of adopting it? Not by any means. They had the precedent of Ireland before them. It was said that the practice there was established by compact; but this was a compact too. On every ground he thought this plan more free from objections than any other that could be devised, and he hoped their Lordships would look upon it in the same light.

The MARQUESS of BUTE altogether objected to the second clause of the Bill. He did not see why any bishop should be excluded from a seat in the House; and if the contrary principle were established, it could not fail to affect the privileges of their Lordships' House; for it was a matter of notoriety that when the cry was raised some years ago against the bishops sitting in the House, there was coupled with it some hints that their Lordships' House might also be represented by members of their own body. In the year 1836 that House voted an Address to the Crown to admit the Bishop of Manchester to a seat in that House; and they were now about to advise Her Majesty to keep him out.

The BISHOP of EXETER said, he understood the noble Marquess (the Marquess of Lansdowne) to say that Her Majesty could not call to that House more than twenty-four Prelates, inasmuch as that number had never been exceeded, and that the authority of the Crown was bound by that practice. He ventured to affirm that such a declaration with respect to the prerogative of the Crown would be difficult to sustain; and he apprehended that the prerogative and the duty of the Crown, on the choice of any bishop, would be to issue a summons to him to take his seat in the House; it would in fact be an interference with the prerogative of the Crown to prevent the issue of that summons. Sir M. Hale expressly said that the right to a seat in their Lordships' House belonged as an inherent part to the office of a bishop, and that he was entitled to a seat in the great Council of the nation.

The MARQUESS of LANSDOWNE explained that what he had stated was that in point of practice the bishops never exceeded a certain number, and that it was not in the power of the Crown to add to that number without obtaining the authority of Parliament, because it required the power of Parliament to create any new bishop.

The BISHOP of LONDON said, he was prepared to share the responsibility of the framers of this Bill, and was ready to give it his support. He could not but think that the right rev. Prelate who spoke last (Bishop of Exeter), arguing with his accustomed ingenuity, not to say subtlety, had furnished an irresistible weapon wherewithal to demolish his own argument, and that of the mover and supporters of the Amendment. The real question before them was, was this measure an infringement on the prerogatives of the Episcopal Bench? But there was as great an invasion made on the rights of the episcopacy by the Amendment as by this Bill. The right rev. Prelate contended that every bishop was entitled to a seat *ex debito justitiæ*, in right of his office. It was then an invasion on that right for the Amendment to say, if the new bishop were made, that he should not at once take his place in the House on Her Majesty's summons. He thought it fair to say, however, that there was considerable weight in the objections stated by the noble Lord opposite to the measure as it was now introduced; but he conceived, that under the circumstances of the very great difficulty attending the case, all they could do was to make a choice of those difficulties and select the least. It was most desirable that the number of bishops should be increased, without increasing the number of Spiritual Lords. If the number of bishops in the House of Lords was greatly increased, and the new bishops, on their call to the Upper House, voted on any question with the Government, it would lay them open to the charge of political subserviency. It was certainly a collateral advantage that the bishops should live for a considerable time in their dioceses, and be well acquainted with the clergy before being called upon to spend a great portion of the year in London. He doubted whether the Church could be adequately represented with a less number of Spiritual Peers than they had at present; but still he did not think it would conduce to the interests of the Church that the numbers should be increased. He was therefore prepared to give his support to the Bill as it stood.

Their Lordships divided on the question that the clause proposed to be left out, stand part of the Motion:—Contents 44; Not-Contents 14: Majority 30.

List of the Contents.

The Lord Chancellor

DUKE

St. Albans

MARQUESSES

Lansdowne
Clanricarde
Westminster

EARLS.

Ducie
Morley
Fortescue
Clarendon
Auckland
Grey
Minto
Devon
Kingston
Cowper
Granville
Chichester
Stradbroke
Scarborough
Powis
Spencer

VISCOUNT.

Falkland

BISHOPS.

London
St. Asaph
Salisbury
Norwich
Lincoln
Winchester
Bangor
Llandaff

LORDS.

Camoys
Montfort
Sudeley
Dunally
Campbell
Mostyn
Wrottesley
Portman
De Mauley
Colborne
Beaumont
Kenyon
Bolton
Walsingham

List of the Not-contents.

DUKE.

Richmond

MARQUESS.

Bute

EARLS.

Nelson
Bandon
Malmesbury
Mountcashel

VISCOUNTS.

Strangford
Hereford

BISHOPS.

Exeter
Oxford
Bath and Wells

LORDS.

Stanley
Redesdale
Ashburton

Paired off.

FOR.	AGAINST.
Duke of Bedford	Earl of Ellenborough
Earl of Yarborough	Marquess of Exeter
Lord Byron	Lord Saltoun
Marquess of Donegal	Viscount Canterbury
Earl Camperdown	Earl Egmont
Earl of Eldon	Earl Delawarr
Lord Wenlock	Earl Orford
Lord Lilford	Lord Bradford
Earl of Ilchester	Viscount Beresford
Bishop of Durham	Earl Brownlow
Lord Denman	Lord Brougham
Earl of Effingham	Earl of Wilton
Lord Strafford	Earl of Eglintoun
Lord Foley	Viscount Sidney
Bishop of Worcester	Bishop of Gloucester

Resolved in the *affirmative.*

On Clause 3 being read,

The Bishop of SALISBURY said, he had an Amendment to propose, the object of which he should state shortly to their Lordships. In all cathedrals there were two foundations, old and new, the latter commencing in the reign of Henry VIII., and the former consisting of those which were not suppressed by the effect of the Reformation. A Bill had been passed some years since, the effect of which was, that while the Dean of York was reduced from 3,000*l.* to 1,000*l.* a-year, the Dean of Norwich would be left in possession of his salary of 1,500*l.*; that the Deans of Wells and Leicester would be respectively reduced to 1,000*l.* a-year, while those of Worcester and Rochester, being on the new foundations, would be left in the possession of the whole of their emoluments. While he presided over the diocese, a vacancy occurred for the deanery of Wells, and a Committee of the Ecclesiastical Board decided that 1,500*l.* a year—about the same salary as his predecessors enjoyed—was the allowance which he ought fairly to enjoy. This decision was adopted by a full board of Ecclesiastical Commissioners; and though the law officers of the Crown dissented from it, he still thought it the most just manner in which the reductions in ecclesiastical incomes sanctioned by the Act of Parliament to which he had referred could be carried out. He should, therefore, put it to their Lordships, as a matter of justice, that the recommendation of the Committee of the Board should be embodied in this Bill.

The Marquess of LANSDOWNE replied.

Amendment withdrawn.

Remaining clauses agreed to.

House resumed, and adjourned.

The following Protest was entered on the Journals against the Retention of Clause 2 in the Bishopric of Manchester, &c., Bill:—

Dissentient—

1. Because when Parliament declares that the interests of the Church require an increase in the number of the bishops of England and Wales, it is an ungracious interference with the prerogative of the Crown as enjoyed by Her Majesty's predecessors to annex to the creation of such bishoprics the condition that the number of bishops sitting in Parliament shall not be increased, and to take away from Her Majesty, her heirs, and successors, the power of summoning to Parliament all or any of these bishops at any future period, if it should become Her or their wish to do so, thus permanently limiting the royal prerogative, under the pretext that Her Majesty has been pleased to declare, that, as at present advised she does not contemplate the issue of her writ to the new bishops, except as vacancies shall from time to time occur among the bishops of England and Wales now sitting in Parliament.

2. Because by this clause the writs of summons to Parliament, to which the bishops of the ancient sees of England and Wales are by law entitled, are to be suspended as each see shall become vacant, and as the right of the successive holders of such sees to such writs of summons is as much inherent in their sees as that of the Lords Temporal in their respective Peerages, the above-mentioned enactment constitutes a dangerous precedent, at variance with the principle of an hereditary Peerage, and contrary to the privileges as well of the Lords Temporal as Spiritual.

Redesdale.
Stanley.
H. Exeter.
Bute.
R. Bath and Wells.

HOUSE OF COMMONS,

Tuesday, June 22, 1847.

Minutes.] Petitions Presented. By Mr. C. Buller and Mr. Rashleigh, from several Persons interested in Copper Mines, against the Reduction of the Copper Duty.—By Mr. Pusey, from Owners and Occupiers of Land in Berkshire and Wiltshire, in favour of the Agricultural Tenant-Right Bill.—By Mr. Muntz, from several places, for Regulating the Qualification of Chemists and Druggists.—By Mr. Evans, from Dissenters of Dronfield, against the proposed Plan of Education; and by Lord Harry Vane, from Catholics of Stockton-upon-Tees and Darlington, for Alteration of the same.—By Mr. Hawes, from the Parish of Saint Mary, Newington, Surrey, against the Highways Bill.—By Mr. Hawes and Mr. H. Baillie, from several places, for and against the Medical Registration and Medical Law Amendment Bill.—By Sir H. Douglas and Mr. Liddell, from London, Liverpool, and South Shields, against the Repeal of the Navigation Laws.—By Mr. Gisborne, from Derby, for Alteration of the Railways (No. 2.) Bill.—By Sir De L. Evans, from Bradford, for Consideration of the Case of Henry Needham Scrope Shrapnell.—By Mr. Stafford O'Brien, from Farmers and Graziers attending Rye Market, against the Removal of Smithfield Market.

CANADA.

Sir H. DOUGLAS, seeing the Under Secretary for the Colonies in his place, wished to ask whether it was the case that the Governor General of Canada had issued proclamations giving the United States' vessels privilege to enter the port of Montreal, and to use the free navigation of the river St. Lawrence; and if so, whether such a proceeding was not at variance with the navigation laws, and had not been adopted with a view to such further alterations as would permit the products of the United States to be exported through Canada to Great Britain and the British possessions, the same as British products?

Mr. HAWES observed, that the proclamation referred to had not been received at the Foreign Office. He understood, however, that such permission as the gallant Officer had alluded to had been granted to small American boats to go up the St. Lawrence; but it was merely pending the temporary suspension of the navigation laws, and had no reference to the present question of the repeal of those laws.

MESSRS. VILLIERS AND CHRISTIE.

Mr. VILLIERS said, an occurrence which in some degree concerned him, having taken place last evening, in that House, during his absence, he had to solicit the indulgence of the House for one moment only, while he offered a few words in explanation. If he could have had the most distant notion that there was an arrangement in contemplation for moving an Order of the Day, to enable some hon. Members to engage in a discussion on the proceedings which had taken place before the Andover Committee, he should most assuredly have been in his place yesterday evening. But he had received no intimation whatever of any such arrangement being intended. And under these circumstances he trusted that the House would kindly extend him their indulgence while he now offered to their attention the few remarks which he was unable to address to them on the preceding evening. He could assure the House, that if it were himself only who was concerned in this affair, he should not think of again alluding to the matter. For his own part, he was quite satisfied that those who were desirous to know how the case stood, and to ascertain who were in the right, and who in the wrong, should be left to the ordinary sources of information, and to the official reports which had been laid on the

Table of the House; but there was another person in question, and it was entirely on that ground that he wished to refer to what had occurred. He had said that there was another person involved in this question—he alluded to Sir Frankland Lewis. When he (Mr. Villiers) first brought this matter forward, he explained that he did so simply because, just before entering the House, he had received a letter from Sir Frankland Lewis, who had been a witness before the Committee, in which he communicated a statement which appeared to him (Mr. Villiers) to be entirely at variance with a statement made in that House on a preceding evening. That gentleman (Sir Frankland Lewis) had heard with extreme astonishment that a question put to him as a witness before a Committee of that House—a question which had been distinctly put to him, and which was persevered in, and to which he had given an answer in detail—had been denied by the person who put it as having been put at all. Sir Frankland Lewis was in the first instance deeply impressed with the conviction of the question having been put to him; he had not been shaken in his conviction by anything that had since occurred. He was still convinced that the question had been put, and that he had answered it: and, farther, that he had been obliged to go into details in answering that question so put and so persevered in; and that with respect to the professed object of the question, that had been made the subject of distinct inquiry, and was also answered. It had been denied by the hon. Member for Weymouth, on his honour as a gentleman, that he had ever put that question. He was aware that it was contrary to the forms of that House to dispute any fact for the truth of which a Member pledged his word of honour; but at the same time it was quite competent for a Member to refer to what was identified with that House—namely, its own journals; and, without doubting the honour of the hon. Member for Weymouth, he might take leave to refer to Number 22,622 of the questions put before the Committee. The simple matter at issue between him and the hon. Member was whether he did or did not put to Sir Frankland Lewis the question of whether, "when he ceased to be a Commissioner, he did so on an arrangement that his son should succeed him?" He (Mr. Villiers) had believed that he had done so. Sir Frankland Lewis believed it now, and was convinced that he answered the question, and that it was contained in the report of the evidence; and, notwithstanding this very stout denial of the Member for Weymouth that he ever put the question, the House could not doubt that this question did actually appear in the official report of the evidence, viz:—

> "When you ceased to be a Poor Law Commissioner, will you inform the Committee whether you ceased upon an arrangement being made that your son should succeed you?"

The hon. Member for Weymouth's commentary on this was, that he explained to Sir Frankland Lewis that the object of the question he put was to ascertain whether Sir Frankland Lewis had cautioned his son against Mr. Chadwick; but the two questions were totally distinct, as was clearly perceived by the Committee. Therefore, when Sir Frankland Lewis had that question put to him, he proceeded to explain how no arrangement of the sort had ever been made:—

> "I am anxious to explain to you," said the hon. Member for Weymouth, "that I do not refer to any arrangement which might not have been made with perfect propriety, and without any imputation against either you or your son."

But all that had nothing whatever to say to the real matter at issue. What he (Mr. Villiers) said was, that the hon. Member had no right to put a question as to any arrangement between the father and son. It was not the matter at issue before the Committee, nor was it all in keeping with what the hon. Member declared to be his object—namely, to ascertain whether Sir Frankland Lewis had cautioned his son against Mr. Chadwick. Such was his (Mr. Villiers') statement, and he found in the Journals of the House that this was the question the hon. Member had put. There was no question whether the arrangement was proper or not; but the question was, did he ask Sir Frankland Lewis respecting an arrangement with his son? The report made to the House represented him as putting just such an interrogatory; and the Member for Finsbury was represented as having declared that it ought to be answered. Three questions lower down the hon. Member for Weymouth put the following question: "When your son succeeded you, did you put him on his guard against Mr. Chadwick?" That was the question which the hon. Member declared he had in view in proposing question No. 22,622; but the House would observe, that there was not the smallest possible connexion between the two questions, and they had, in fact, been put separately. He (Mr. Villiers) was bound to believe what the hon. Member asserted upon his honour; but he had been misled by reading the evidence as taken in shorthand, and as officially reported to that House, and to which the hon. Member was himself a party. As to giving notice to the hon. Member of his intention to allude to the matter on a former night, he begged to say he had conferred with a Member of the Committee (the hon. Member for Finsbury), who gave it as his opinion that if the official report of the evidence bore out his (Mr. Villiers') statement, made the night before, the House would be satisfied with that explanation, and with the grounds on which that statement had been made. He accordingly went up to the library, and finding the official report there, he brought it down, and used it to prove the accuracy of what he had said. He begged to say that he did not attach any importance whatever to the point of whether the room had been cleared by the hon. Member for Weymouth: as soon as the hon. Member asserted that it was he who had caused it to be cleared, he rested satisfied, and did not dispute the point, for it was quite unimportant. The fact was certain that the question put was an improper one, and that the room was cleared. It seemed that it was a part of the arrangement last night that some hon. Members friendly to the hon. Member for Weymouth were to come down to support his character, and speak in favour of his conduct.

Viscount INGESTRE rose to order. The hon. Member was carrying his explanation to too great length in referring to other Members. He trusted the hon. Gentleman would perceive the propriety of abridging this proceeding, and bringing the matter to a close.

Mr. SPEAKER: The hon. and learned Gentleman ought certainly to confine his remarks to a justification of himself.

Mr. VILLIERS had not intended to trangress the rules of order, but would, of course, at once bow to the decision of the Speaker. He could only say that he was not on the Committee himself; but when witnesses described the manner in which they were treated, they were entitled to be heard, and, if respectable, believed. He (Mr. Villiers) founded his statements on the authority of the witnesses themselves, many of whom, notwithstanding the evidence which had been borne in favour of the hon. Member for Weymouth by his friends, complained grievously of the conduct of that Member towards them, and of the character of the questions he put to them. He could name several who complained at the time. Sir Frankland Lewis complained at the time, and had repeated his complaint to the noble Chairman of the Committee since the inquiry had ceased, of the manner in which the inquiry had been conducted. It should have been remembered that Sir Frankland Lewis was an old Member of that House, and from his position in society was entitled to be treated with respect. Mr. Westlake also— [*Cries of* "Order!"] He (Mr. Villiers) thanked the House for the indulgence with which they had heard him, and would not further trespass on their attention.

Mr. CHRISTIE: Sir, I am quite satisfied with the manner in which the House received my distinct denial of the charge last night; and I consider it would be beneath me to again deny it after the solemn pledge which I have already given of its injustice. After the honourable testimony borne to my conduct by many hon. Members, and amongst others by my hon. Friend the Member for Shrewsbury, who saw and heard me daily, I am sure I properly interpret the feelings of the House when I believe it to be averse to the prolongation of the discussion.

The matter dropped.

DUTY ON COPPER.

Mr. MUNTZ moved—

"That the House do resolve itself into a Comtee to consider the Duties upon the Importation of Copper, with a view to their Reduction or Abolition."

It was not necessary to make many remarks on the Motion, because both the late and the present Government had acceded to its principle, and had only refrained from carrying it out from fear of diminishing the revenue. The hon. Gentleman read from several documents an account of the quantities of copper imported in different years from Chili and other places. He showed that the operation of the duty was disadvantageous to the English manufacturer, as it exposed him to competition with foreigners, who got the metal at a lower rate; articles were even imported, and superseded his in the home market. Copper was now almost the only instance of a raw material being taxed. Why should they protect one interest at the expense of others?

MR. EWART seconded the Motion. Manufactures were advancing in countries where they could command foreign copper, as in Chili, in Belgium, and, above all, in the United States. The principal places of export for English copper were France and India. The exportations to France and to India had been gradually falling off, and the result had been most ruinous to our trade. The Government would naturally resist the proposed reduction in the duty on copper; but the same rule which had been applied in other cases would apply to this, and he did not see how the retention of what amounted to a prohibitory duty on this article could be at all defended. The object of their legislation should be to increase their trade and commerce everywhere, and they should endeavour, as in the instance of other trades, to make Great Britain the emporium of the copper trade. If they allowed the foreign copper trade to leave this country, they would inevitably injure the total trade of the empire. On these grounds he seconded the Motion of his hon. Friend.

SIR C. LEMON was anxious to press upon his right hon. Friend the Chancellor of the Exchequer not to commit himself to any opinion on this subject until it had been fairly inquired into by the House. He had always been willing that a Committee should be appointed, and that the whole question should be thoroughly investigated, with a view to future legislation. With respect to the principle involved, he was prepared to admit that no duty whatever on any article should be imposed or maintained merely on the ground of protection; at the same time, he thought that if a duty was found to work well and beneficially to all parties concerned, it would be most unadvisable to abandon it simply because incidentally such a duty did act as a protection. He hoped that before any change was made, the Government would give the House an opportunity of examining in detail into the subject, and of ascertaining the exact facts.

The CHANCELLOR OF THE EXCHEQUER said, that he had early in the Session declared that the state of the national finances was not such as to permit him proposing any reduction in the duty on this article; and he was sorry to say that nothing had since occurred to render his situation in any degree improved, or to make him ready to sacrifice any portion of the revenue, even though, as in this case, in amounted only to 50,000*l.* a year. Having so early in the Session made that statement, it could not be expected that he could now accede to the Motion of the hon. Member; and under the circumstances he thought he would be perfectly justified in complying with the request of the hon. Baronet behind him (Sir C. Lemon), and in abstaining from giving any opinion whatever on the subject. It was therefore his duty to state, without going at any length into the question, that he must oppose the Motion.

VISCOUNT SANDON said, that though the declaration of the Chancellor of the Exchequer, that he was not in a position to take off the duty, in some measure precluded any discussion; yet, as he was greatly interested in the subject, he could not allow the debate to pass without offering one or two observations. It was a great peculiarity in this trade, that, while the principle of free trade had been adopted in regard to everything else, with regard to this article alone, the principle of protection, as it was called, was still maintained. There had been a consequent increase in the importation of the raw material of every other article; and there had been a very serious retrogression in the importation of copper ore. The right hon. Gentleman clung to this small duty with a not unnatural tenacity; but he might rest assured that, as the amount of the revenue derived from that duty had decreased to a great extent within the last few years, it would shortly, if he persisted in continuing the prohibition, become altogether insignificant. It was perfectly obvious that, if they imposed an exorbitant duty on a heavy article which, when manufactured here, was exported to places where the same manufacture was carried on without any duty on the raw material, the trade would decline, and the competition would completely fail. He could not, therefore, forbear entering his protest against this question being shelved from year to year. Its importance had been lost sight of by the Government; and, as no one defended the duty, the vexed question could only be settled by that reduction which the hon. Member now called for. The question did not solely respect the copper trade; it affected every branch of a variety of trades, and each would be proportionably benefited by an increased importation and the decreased price of the article. On these grounds he trusted that in a future Session the subject would receive due consideration; and he hoped that, in the mean time, nothing would arise to induce stronger measures than those hitherto adopted to be taken in Chili in resistance of our hostile and most ruinous policy.

Mr. RASHLEIGH would take that opportunity of calling the attention of the House to the petition which he had that night presented from the working classes of Cornwall on this subject; and he would state that his only reason for opposing the Motion of the hon. Member for Birmingham was, that, if carried, it would be detrimental to the best interests of the people of Cornwall. Neither he nor his family had ever received a single farthing from copper mines in Cornwall. His only reason for opposing the Motion was, that he thought they were bound to give encouragement to British industry, and to improve to the best of their ability the condition of such men as the copper miners of Cornwall.

Mr. SPOONER hoped the House would bear in mind that the Chancellor of the Exchequer rested his refusal of the Motion of his hon. Friend simply on the ground of revenue. The right hon. Gentleman said he was not in a condition to lose a revenue of 50,000*l.* at the present moment. Now, he would just call the right hon. Gentleman's attention to the fact, that in 1844 the revenue from copper was 75,000*l.*, while in 1846 it had diminished to 54,000*l.* This proved that, as a source of revenue, it was very precarious; and the House might rest assured that this decrease in the revenue would not be the only evil, but that a new and opposing trade would be established. They might depend upon it that copper would be exported from Chili and smelted; and if they refused to allow it to be smelted in this country, it would be done abroad. A large establishment had been raised at the mouth of the Elbe for that purpose. To refuse to admit the copper of Chili into this country, was to insure a certain market for it in Germany, and at the same time to insure in Chili a certain market for German manufactures. Yet, to save a revenue of 50,000*l.*, the Chancellor of the Exchequer would impose all this loss upon our manufactures. He could not see that the right hon. Gentleman was so hard pressed that in a case where justice so clearly demanded this small concession, it could not be granted. There were many articles of manufacture of which copper formed the chief basis, and which used to be exported from this country, which were now imported, and successfully competed with us in our own markets; and were they to be told that the miserable sum of 50,000*l.* a year was to stand in the way of remedying an evil like this? They had been told that it was their duty to protect native industry; but he saw a large amount of native industry which was fast being destroyed here and transferred to other countries. They protected the industry of the miners of Cornwall; but they destroyed the industry of the manufacturers. He had no doubt that people might be thrown out of employment in Cornwall; but they would, at the same time, allow him to plead for the manufacturers. It was an act of gross and cruel injustice to say to the one class, that they would relieve them of the competition of foreign copper; and to say to the other, that they must suffer by that foreign copper being refused. All they wanted was free competition; and the Chancellor of the Exchequer might depend upon it that this was not the only question on which his principle of free trade would be brought to bear. This was pressing only on a small part of the community; but he would yet find that it would be absolutely necessary to alter the whole system of our financial arrangements in this country.

Lord G. BENTINCK was very sorry to be opposed on the present occasion to his two hon. Friends the Members for Birmingham, who, *pro hac vice*, would appear to be *Gemini*. The Member for East Cornwall thought this was not a proper opportunity for taking the opinion of the Chancellor of the Exchequer on this subject; but he (Lord G. Bentinck) thought, on the contrary, that there could not be a better time than on the eve of a general election to know from the right hon. Gentleman what he meant to do on a subject so important in the new Parliament. He thought the hon. Member for East Cornwall and the hon. Members for Birmingham would be very well pleased to be assured of the course Ministers intended to take in the next Parliament; and he hoped they would elicit from the Government some declaration of their intentions in this respect. The noble Lord the Member for Liverpool (Viscount Sandon) thought that the maintenance of this duty could not be supported upon any principle whatever. If this had been the proper time, he should have been prepared to defend the principle of exacting a revenue duty, so long as it did not exceed 10 per cent *ad valorem*, on all articles of foreign produce, with the view of being enabled to reduce the duties of excise. With regard to the present case, he thought the hon. Member for Birmingham (Mr. Muntz) had given a good reason against his own Motion, when he told them that the manufacturers could obtain copper 10 per cent cheaper from the foreigner than they could from the home producer. If that were so, he thought they might well afford to pay the duty. Another reason for maintaining the duty had been alluded to — the fact of Englishmen having embarked their capital in foreign mines. He had not so much sympathy for Englishmen who invested their capital in foreign countries as for those who invested it at home. He perceived it had been stated at a meeting of the Cobre Mining Company, that they could only divide 2,000*l.* this year, inasmuch as the tax of 10 per cent on copper ore had eaten up 12,000*l.* or 15,000*l.* of their profits. That was a proof that the tax on copper ore came out of the profits of the foreign miner, and not out of the pockets of the manufacturers of this country.

Mr. TURNER thought the hon. Baronet the Member for West Cornwall had put the question on the only footing on which it ought to rest, when he observed that there should be a Committee of Inquiry. The question was not well understood either in that House or in Cornwall, and he thought it was their duty to have every possible inquiry made into the subject. If it was shown that the abolition of this duty would be injurious to the people of Cornwall, then care ought to be taken that sufficient inducements were held out, not only to employ the labourers in that county, but to discourage the investment of capital in foreign mines. He hoped the hon. Gentleman would not press his Motion to a division, but follow the course recommended by the hon. Baronet the Member for West Cornwall, and move in the next Session for a Committee of Inquiry.

Mr. NEWDEGATE said, as he had the misfortune to differ from the hon. Member for Birmingham on this subject, he thought it only right to explain the vote which he meant to give. They saw one section of its native industry cutting the throat of another; and he had made up his mind to do nothing which would hasten the mangling. It might be true that the inhabitants of Birmingham suffered from foreign competition; but when he was asked, in a time of distress like the present, and with the existing high prices of provisions, to vote for a measure which would infringe on the comforts of another large class of the people, with a view to relieve the manufacturers of that town, he should say, that he thought a change of the kind would be very precipitate and uncalled for.

Sir G. CLERK said, he should give his vote against the Motion upon the ground stated by the Chancellor of the Exchequer, that at the present moment it was impossible to spare a revenue of 50,000*l.* a year by the remission of this duty. He hoped, however, that the present Government would do as the late Government had done, namely, watch the trade in copper ore, and if they found that the fears expressed by the hon. Member for Birmingham were well founded, and that there was a danger of the smelting trade leaving the country, that they would seriously consider the inconvenience and the danger which threatened the commerce of the country thereby.

Mr. G. PALMER should vote for the Government, and against the Motion, because he believed that the duty was not only an object of revenue, but that it operated as a protection to the miners of this country.

The House divided:—Ayes 19; Noes 59: Majority 40.

List of the Ayes.

Ainsworth, P.
Baine, W.
Boyd, J.
Browne, hon. W.
Buller, E.
Crawford, W. S.
Duncan, G.
Escott, B.
Ewart, W.
Fielden, J.
Humphery, Ald.
M'Carthy, A.
Martin, J.
Moffatt, G.
Morris, D.
Sandon, Vist.
Stuart, Lord J.
Thornely, T.
Vivian, J. H.

TELLERS.

Muntz, G. F.
Spooner, R.

List of the Noes.

Acland, Sir T. D.
Anson, hon. Col.
Baring, rt. hon. F. T.
Barnard, E. G.
Bellew, R. M.
Bentinck, Lord G.
Berkeley, hon. Capt.
Blake, M. J.
Borthwick, P.
Buller, C.
Burke, T. J.
Carew, W. H. P.
Clerk, rt. hon. Sir G.
Courtenay, Lord
Dawson, hon. T. V.
Duckworth, Sir J. T. B.
Dundas, Adm.
Ebrington, Visct.
Esmonde, Sir T.
Forbes, W.
Gladstone, Capt.
Granger, T. C.
Grey, rt. hon. Sir G.
Grogan, E.
Hamilton, G. A.
Hawes, B.
Heathcoat, G. J.
Henley, J. W.
Howard, P. H.
Labouchere, rt. hon. H.
Lemon, Sir C.
Lindsay, Col.
Maule, rt. hon. F.
Monahan, J. H.
Morison, Gen.
Newdegate, C. N.

Norreys, Sir D. J.
O'Conor Don
Palmer, G.
Pennant, hon. Col.
Plumridge, Capt.
Powlett, Lord W.
Rashleigh, W.
Rice, E. R.
Russell, Lord J.
Rutherfurd, A.
Scrope, G. P.
Sheil, rt. hon. R. L.
Spry, Sir S. T.
Stanton, W. H.
Strutt, rt. hon. E.
Thompson, Ald.
Tollemache, hon. F. J.
Turner, E.
Vivian, J. E.
Vyvyan, Sir R. R.
Ward, H. G.
Wood, rt. hon. Sir C.
Young, J.

TELLERS.

Tufnell, H.
Wyse, T.

WASTE LANDS (IRELAND).

Mr. P. SCROPE rose to move the following resolution:—

> "That the Waste Lands of Ireland offer an available resource for the immediate employment and future maintenance of a part of her population, now apparently redundant; and that it is expedient to apply them to this great national object, making equitable compensation to their present proprietors."

The hon. Member addressed the House in support of his Motion; but before he had proceeded far, the House was counted out, and adjourned at half-past Seven.

HOUSE OF COMMONS,

Wednesday, June 23, 1847.

Minutes.] Public Bills.—1° Militia Ballots Suspension; Post Office; Turnpike Roads (South Wales).

Reported.—Incumbered Estates (Ireland); Seduction and Prostitution Suppression; Registration of Voters.

Petitions Presented. By Mr. J. O'Brien, from the Citizens of Limerick, for the Abolition of Ministers' Money (Ireland).—By the Earl of Arundel and Surrey and other hon. Members, from Catholics of several places, for Alteration of the proposed Plan of Education.—By Mr. M. Gore, from Canterbury, in favour of the Health of Towns Bill.

ENCUMBERED ESTATES (IRELAND).

Lord J. RUSSELL, in moving the Order of the Day for going into Committee on the Encumbered Estates (Ireland) Bill, stated that he proposed to go into Committee *pro formâ* on that Bill, with the view of having it reprinted.

Mr. BANKES observed, that the Encumbered Estates (Ireland) Bill had excited great anxiety in Ireland. He held in his hand a letter from an Irish proprietor, who stated that the provisions had been much discussed among professional men, who thought the measure would produce great difficulties in reference to encumbered estates. The insurance offices had declined to enter into further arrangement till the present Bill was disposed of. Great alarm had been produced. He, therefore, begged to suggest the expediency of fixing an early day for the discussion; and if the Government were doubtful as to proceeding with the measure, it was their duty to announce their intentions as soon as possible.

Mr. SHARMAN CRAWFORD could support what had just been stated by the hon. Member for Dorsetshire. A case had been put into his hands that morning, which had been submitted to an eminent lawyer on the part of an insurance company, and they were advised to refuse any money until they saw what was to be done with this Bill.

Lord J. RUSSELL said, that the object of the Encumbered Estates Bill was a very important one; but it was at the same time a very difficult one to attain with justice to all parties. It would be remembered that when he announced the intention of Government, at the commencement of the Session, it was very much pressed upon the Government to bring in a Bill without loss of time, without, as he thought, sufficient consideration of the great difficulties which lay in the way of attaining the object in view. A Bill was afterwards brought in, and had been very much considered by the Lord Chancellor. It had now come down from the Lords, and did not require such immediate considerations as if it had to go to the Lords. The Government proposed that the Bill should that day go through Committee *pro formâ;* and he hoped the amendments which would be made, would obviate the objections which had been stated to it. He was very sensible of the alarm which was felt by some proprietors, and likewise of what had been stated respecting the insurance companies. Still he could wish that the Bill should be considered as soon as possible, and he would fix an early day for that purpose. For his own part, he thought that there could be no more desirable object for the proprietors in Ireland than that of setting free their estates, which were, in many cases, so encumbered that the interests of the proprietors and the labourers on the estates were altogether swept away by the interests of the mortgagees.

Mr. F. FRENCH hoped the Government would not feel it to be imperative on them to press this Bill during the present Session. He had an objection to make to it which was as strong an objection as could be urged on the part of the proprietors in Ireland—namely, that the effect of the Bill, at least in the province with which he was connected (Connaught), would be to turn out every proprietor in it; and in many cases, from the present deteriorated value of property in that country, the encumbrances on the property could not be paid. In the province of Connaught, the annual value of property rated to the poor was 1,500,000*l.*; the extent of the population was nearly a million and a half also, two-thirds of whom were receiving relief; and according to a calculation he had made, the administration of relief in that province would require 1,500,000*l.* more than the entire rental.

Bill passed through Committee *pro formâ*, and ordered to be recommitted.

SEDUCTION AND PROSTITUTION SUPPRESSION BILL.

House in Committee on the Seduction and Prostitution Suppression Bill.

On the question that the Bill be reported,

MR. ROEBUCK said, that he objected to the principle of the Bill altogether. His objection was this, that the House in passing this Bill were travelling out of the real province of legislation into the province of simple morality, and that they were attempting by legislative interference to bring about that which no mere law could ever effect. He objected also to the details of the Bill as well as to the principle. It was proposed to punish the offence in question by imprisonment, "with or without hard labour, in the common gaol or house of correction for any term not exceeding two years." Now, this was almost the largest extent of imprisonment applied to any crime whatever. He considered also that under this Bill any man could be made the victim of the vilest conspiracy.

MR. SPOONER said, that the objection which had been taken to the measure, namely, that it proposed to effect an object which should be left to the influence of morality, applied to every penal statute for the suppression of crime. He would not enter into details; but if it were fitting to do so, the House would be appalled by the extent to which this crime was carried by agents all over the country; and the victims were chiefly the children of cottagers and artisans.

MR. C. BERKELEY was of opinion that the Bill would only increase the evil which it was intended to remedy, and moved as an Amendment that the Chairman do leave the Chair.

SIR J. PAKINGTON complimented the gentlemen through whose instrumentality an account of what passed in that House was usually conveyed to the public upon the discretion they had shown in refraining from entering at any length into this subject when it was last under the consideration of the House [*general approbation*], and he hoped they would pursue a similar course on the present occasion.

The LORD ADVOCATE was of opinion that much good might be done by the Bill in its present shape, and he would therefore give it his support. He thought that in order to place a Bill of this sort upon a right footing, it was necessary to put the definition of the offence more clearly, and with a better protection to those who might be unjustly accused under its provisions.

MR. REDHEAD YORKE said, that in his opinion it was the province of the House to put down every abomination that came under its cognizance, and, therefore, he came with the intention of supporting the measure of the hon. Gentleman opposite; but on a revision of its enactments he had come to the conclusion that it would give facilities to ill-disposed persons to get up false charges against persons who were perfectly innocent of them, and yet afraid to repel them publicly; and taking that into consideration, he thought that the measure was not one that could be safely carried out, however good its intentions might be.

MR. BANKES made some suggestions as to the nature of defence which the Bill proposed to give persons accused under its provisions. He observed that the previous immorality of the accused party was necessary to be proved; and how was that to be done? Even though the accused party might be notoriously immoral, still the proof of her misconduct might be wanting, and could not be obtained. He fully concurred in the object of his hon. Friend the Member for Birmingham; but if the terms of the Bill were liable to misconstruction, it would certainly induce him to pause before he would sanction the Bill.

MR. B. DENISON was of opinion that the measure would give too much facility to ill-disposed persons to bring unjust accusations against innocent parties, and by which men of position in society and good morals might be placed in a frightful and an indefensible position. He was most anxious to put down, or at any rate to limit, prostitution and seduction; but he must confess that the Bill was calculated to do more harm than good in its present state.

Mr. ROEBUCK objected to this measure, as throwing upon every man in decent society a risk of unjust accusation, which he did not incur at the present moment. The Bill would not prevent the evil it was intended to remedy, but would give rise to others of a most serious description. Under the provisions of this Act no one would be safe, from the Archbishop of Canterbury downwards — nay, not even the hon. Member for Birmingham himself. What remedy was there provided for the accused? None. In fact the accused was destitute of all means of defending himself, while every facility was open to the accuser. He thought it incumbent on the law officers of the Crown to give their opinion on the Bill before the House.

Sir G. GREY admitted there was some force in the observations of the hon. Member for Bath; but he thought it would be unfair to the hon. Member for Birmingham wholly to abandon the measure. The course he should suggest was, that the Chairman should report the Bill, and between the present time and the consideration of the report the hon. Member for Birmingham should, with the legal members of the Committee, reconsider the clause, and either omit the second part of it altogether, or otherwise obviate the objections to it.

Viscount SANDON was quite willing to take the course suggested by the right hon. Baronet; and he certainly thought the clause might be reconsidered with advantage.

Mr. T. DUNCOMBE observed, that the Amendments which had now been objected to, had been agreed to in the Committee *nemine contradicente;* and he hoped that if this clause were to be expunged, the Bill would be rejected altogether. There were, it was evident, considerable doubts in the minds of hon. and learned Gentlemen as to the effect of such a clause, and, under those circumstances, the House, he thought, would not be justified in making such a measure law.

Mr. PACKE considered that the difficulty raised by the hon. and learned Member for Bath might be got over if the offences contained in the Bill were taken out of the jurisdiction of quarter-sessions, and were referred to a higher tribunal.

Mr. SPOONER would accede to the proposal of the right hon. Baronet, and reconsider the clause. He would not consent to the omission of the clause: if any alteration were made, it would be of such a nature as to preserve the integrity of the Bill. With respect to what had been said by the hon. Member for Finsbury, he might observe that the hon. Member had himself introduced that Amendment which was now considered to be the most objectionable portion of the Bill; and it was his (Mr. Spooner's) opinion that the object of the hon. Member had been solely to frustrate the attempt at any legislation in this direction.

Mr. DUNCOMBE: The hon. Gentleman had no right whatever to impute motives. The House would be surprised to learn that the Amendment referred to had been drawn up by one of the hon. Gentleman's own Friends, had been put into his (Mr. Duncombe's) hands by the hon. Gentleman himself, and had been merely adopted by him (Mr. Duncombe).

On the question that the Chairman do leave the Chair, the House divided:—Ayes 26; Noes 81: Majority 55.

List of the Ayes.

Buller, E.
Denison, E. B.
Duncombe, T.
Ferguson, Col.
Forster, M.
Henley, J. W.
Hildyard, T. B. T.
Hornby, J.
Houldsworth, T.
Hudson, G.
Mackinnon, W. A.
Moffatt, G.
Mundy, E. M.
O'Brien, C.
Pechell, Capt.
Plumridge, Capt.
Reid, Col.
Repton, G. W. J.
Ross, D. R.
Thornhill, G.
Trelawny, J. S.
Trollope, Sir J.
Williams, W.
Wodehouse, E.
Wood, Col. T.
Yorke, H. R.

TELLERS.
Berkeley, hon. C.
Roebuck, J. A.

List of the Noes.

Adderley, C. B.
Ainsworth, P.
Allix, J. P.
Antrobus, E.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey, Earl of
Austen, Col.
Baillie, W.
Bankes, G.
Barkly, H.
Barrington, Visct.
Bodkin, W. H.
Boyd, J.
Bramston, T. W.
Broadley, H.
Buck, L. W.
Buller, C.
Burroughes, H. N.
Cabbell, B. B.
Cavendish, hon. G. H.
Chaplin, W. J.
Dodd, G.
East, Sir J. B.
Esmonde, Sir T.
Evans, W.
Ewart, W.
Farnham, E. B.
Fielden, J.
Fellowes, E.
Fitzroy, hon. H.
Floyer, J.
Forbes, W.
Fuller, A. E.
Gladstone, Capt.
Gore, M.
Goulburn, rt. hon. H.
Grey, rt. hon. Sir G.
Grogan, E.
Hamilton, G. A.
Hamilton, Lord C.
Harris, hon. Capt.
Hatton, Capt. V.
Heathcote, J.
Hobhouse, rt. hn. Sir J.
Jolliffe, Sir W. G. H.
Jones, Capt.

Lefroy, A.
Mackenzie, T.
Manners, Lord C. S.
Manners, Lord J.
Marshall, W.
Maule, rt. hon. F.
Miles, W.
Monahan, J. H.
Morris, D.
Morison, Gen.
O'Brien, A. S.
O'Brien, J.
Packe, C. W.
Palmer, R.
Patten, J. W.
Pennant, hon. Col.
Prime, R.
Rendlesham, Lord
Rice, E. R.
Rolleston, Col.
Round, J.
Rutherfurd, A.
Sandon, Visct.
Seymer, H. K.
Seymour, Lord
Shaw, rt. hon. F.
Sheppard, T.
Smith, rt. hon. R. V.
Tancred, H. W.
Tollemache, J.
Tufnell, H.
Turner, E.
Vivian, J. H.
Walpole, S. H.

TELLERS.
Spooner, R.
Pakington, Sir J.

Bill reported.
House resumed.

POOR REMOVAL ACT AMENDMENT BILL.

On the question that the Poor Removal Act Amendment Bill be read a Second Time,

CAPTAIN **PECHELL** thought the House was much indebted to the hon. Member for Dorsetshire for having stepped in to endeavour to remove the evils of the Poor Removal Act. He had, last Session, great pleasure in supporting that Act; but when it came to be tinkered by the authorities at Somerset House, he predicted that it would prove a failure, and his prediction had been completely verified. From the beginning of the Session they had been led to expect that some measure would be brought forward explanatory of that Act; but it was now the 23rd of June, and Her Majesty's Ministers had as yet done nothing. In the mean time great evils were experienced. Parishes which had been supporting their own poor, and which, in addition, had been compelled to give relief to great numbers of strange paupers, who had found their way to this country, had waited patiently in the expectation that Government would do something; but nothing had been done, and he therefore thought the House would do well to take the measure of the hon. Member for Dorsetshire as a step towards remedying the evils complained of. It was absolutely necessary that a speedy cure should be found for the existing evils. Why, what were the boards of guardians accustomed to do when persons who had been resident in particular parishes for five years applied for relief? They offered them the workhouse, and the consequence was, that many persons, such as householders and members of families, who were averse to the workhouse, would not apply. They would sooner starve than be placed in the workhouse. This was not the case in those places where the poor were relieved under local Acts. In the early part of the Session, a Committee was appointed to make inquiry upon this question; and since that time it had been sitting with the view of producing something that would satisfy the country, and remedy the inconveniences now experienced; but he had been told—and he believed there was no doubt of the fact—that that Committee had closed its labours without doing anything. He must say, therefore, that they ought to rejoice that the hon. Member for Dorsetshire had come forward and done his best to remove an evil which pressed so severely on particular parts of the country. The law officers of the Crown had given an explanation of the present Act very different from what was expected; and in consequence of the construction put upon the Act, great cruelty had been practised towards the poor, and injustice towards the ratepayers. With regard to the Bill now before the House, he found that petitions had been presented in its favour signed by upwards of 30,000 persons, and he therefore thought it was a measure well entitled to the favourable consideration of the House. As they were about very shortly to appear before their constituents, the latter would have good reason to complain that, although they had been sitting there since the month of January, nothing had been done to remedy the evils of the Poor Removal Act.

MR. R. **PALMER** had opposed the Poor Removal Act of last year as one likely to be productive of more evil than good. A great deal was said during the discussion which then took place about the term "industrial residence;" and it was laid down as a principle that when a person had *bonâ fide* lived in a parish five years, and given the benefit of his labour to that parish, he should be entitled to relief. As a general principle, he was not disposed to contend against this; but no one could deny that it operated very differently in the manufacturing from what it did in the agricultural districts. If a person living in an agricultural district went with his family to a manufacturing town, and settled there, it was perhaps a rational mode of procedure that he should be relieved by the parish which got his labour; but the law operated with great hardship in many parts of the country not manufacturing; and towns of considerable magnitude were in many cases subjected to much inconvenience. This measure was one of those that was last Session put forward as a boon to the agricultural body; and he remembered stating, that, as one of that agricultural body, he did not feel himself justified in accepting any such boon, while other friends around him expressed the same sentiments. His anticipations with regard to the operation of the Bill had been realized. During the last winter it had operated very injuriously and with great hardship towards those who were residing in towns, but whose labour was all bestowed on the adjoining agricultural parishes. The town of Reading afforded a striking illustration. People had stated to him over and over again, that they were not relieved by the parishes in which they were employed, because they were not resident in them; and, on application to the relieving officers of Reading, they were there also refused, and told they had no legal settlement in that parish. One of the petitions he had presented on this subject was from Newbury, a populous town in a large agricultural district, complaining of a hardship in the working of the Act, arising from the influx of paupers, owing to the practice of proprietors of estates in the country pulling down cottages, with the view of forcing the poor into the towns; and in one of the blue books, he found Mr. Chadwick alluded to the town of Reading and its neighbourhood; and stated that that town had been burdened with paupers not belonging to the town, in consequence of the proprietors of estates in close parishes in the nighbourhood pulling down cottages for the purpose of driving the poor into the towns. He had been struck with this statement, and he said at once that he disbelieved it; and added, "Show me a close parish in the neighbourhood of Reading." He made inquiries, in consequence of seeing this evidence of Mr. Chadwick, as to whether it was or was not the fact. He had inquired of gentlemen proprietors and of overseers; and he could assert that in not one of the parishes in the neighbourhood of Reading had this been done with the view of driving the poor into the towns. Cottages had not been built in proportion as the poor population increased; but that was a very different thing from pulling cottages down in order that the poor might be forced into towns. The evidence of Mr. Chadwick was, therefore, not borne out by the fact. The only other observation he should make was, that the measure had been a source of litigation; that it had given rise to very great inconvenience, from the differences of opinion amongst legal authorities as to the true construction of it; and this would go on; so that he thought, upon the whole, as there was no prospect of a more perfect measure at present, that the best course was to repeal so much of the Act as the hon. Gentleman proposed.

Sir J. PAKINGTON said, as to the Act having been a cause of litigation, his belief was, so far as related to the town with which he was connected (Droitwich), that there had not been a single appeal under the Act; and, instead of its being a subject of litigation, there had been very few appeals. He hoped that Her Majesty's Government, and that the House, by a very large majority, would resist this Motion for a repeal of the Act (for that would be the effect of passing this Bill, which was for the repeal of some important parts of the Bill); for, if they repealed this Act, they would be guilty of a great outrage against the poor of this country. His hon. Friend supported his Motion for the repeal of the Act on two distinct grounds: first, the hardship it inflicted upon the poor; and, secondly, the objections entertained against it by the ratepayers. This last ground was the real objection—it was a money question. There had been cases in which the poor had suffered great hardship because boards of guardians would not carry out the provisions of the law, supposing they could drive away the poor from certain localities, and thus save expense to themselves. If any Gentlemen believed that the Act was one of hardship to the poor, he would refer them to a valuable paper moved for by the hon. Member for Finsbury last year, which showed the effect of the law of removal at a time when the manufacturing districts were suffering great depression. That return would show the manner in which the law bore upon the poor; and in the reports of the Poor Law Commissioners it would be found that large numbers of people endured great hardship rather than go before the boards of guardians, as they would be transferred to other parts of England, or perhaps Scotland; and it was in order to arrest this hardship that Parliament passed this law. But he was happy to say, for the honour of boards of guardians, that such hardships had been much exaggerated, and that they had occurred in very few instances. The reports of the Poor Law Commissioners bore out the position he had stated, that where such hardship had been inflicted, it had been inflicted by the boards of guardians, and not by the Act itself; and that, in many cases, instead of inflicting a hardship, the Act had conferred a very important boon upon the labouring classes. The hon. Member for Dorsetshire proposed to repeal this Act, under the pretext that it inflicted a hardship upon the poor; but in reality it was because the ratepayers did not like the additional burden it threw upon them. Was the hon. Gentleman prepared to propose that the burden should be borne by other classes? The ratepayers must bear—they ought to bear—the additional burden for the support of those who had laboured for them, and had given them their best days. The real remedy must be found, not in repealing this Act, but in some material alteration of the law of settlement. He regretted to have heard a rumour that the Committee on the law of settlement, at the commencement of their proceedings, had come to some decision — that they had adopted some resolution of an important character—and had determined by a majority to keep that resolution to themselves, and not to report it to the House. He did hope and trust, that, although a difference of opinion in the Committee might prevent any definite report being made to the House, Her Majesty's Government would take the subject up, and that another Session would not pass without legislation upon this subject. He moved that the Bill be read a second time that day six months.

Sir G. GREY would offer a decided opposition to the second reading of this Bill, which went absolutely to repeal the substance of the Act. One of the clauses of the Act of last Session which it was proposed to repeal, provided that a certain term of residence should confer an exemption from the liability to be removed, so that a party should become chargeable to the locality where he resided. Prior to the Act, persons applying for relief were liable to be removed to distant parts of the country; and it was with a view to apply a remedy to this grievance that the Act was passed; and the principle was affirmed by Parliament that a certain term of residence should confer an exemption from the liability to be removed. From all the information he had obtained upon the subject, and from the evidence received by the Committee, he was led to believe that the anticipations of benefit to the poor by the enactment of last year had on the whole been fully realized. He was happy to hear from the hon. Member from Droitwich (Sir J. Pakington) that in his district the measure had operated favourably. Without denying that in many instances cases of hardship might have occurred, both to the ratepayers and to the poor, yet he believed that the balance of good derived from the Act greatly exceeded the inconvenience; and that it would inflict greater injury on the poor to restore the old law, than to retain the Act of last Session, now sought to be repealed. The hardship of which complaint was made with regard to the poor, was such as was incident to any change concerning the law of settlement. A degree of uncertainty would necessarily for a time exist. In reference to the case stated by the hon. Member for Berkshire, with regard to the parish of Reading, he believed that, if the former law were to be revived, the hardship, instead of being removed, would only be repeated. The hon. Gentleman stated that the parish officers of Reading, not being aware of their liability, refused to carry the law into operation by relieving the poor persons who had become chargeable to the parish. But that was before the real nature of the law was understood by them. He hoped that when the magistrates and other gentlemen of influence residing in the neighbourhood should point out to those officers the nature of the duty thrown upon them by the Act of last Session, they would no longer adhere to what was an illegal course, but would act in obedience to the law. If Parliament were to alter the law again, as it was proposed by the hon. and learned Member for Dorsetshire should be done, the same inconvenience would ensue. Other parishes, in the first instance, would not admit their liability; the same uncertainty would occur; and the poor would be without that relief which the law entitled them to receive. Every day the present law remained in operation, the doubts entertained respecting it would diminish, and the hardships resulting from those doubts would be lessened. But when litigation was spoken of as a consequence of passing this Act, he would ask hon. Gentlemen whether they had considered the amount of litigation which this Act had been the means of abolishing? Was there no litigation arising out of disputed settlements? Had not that been diminished by this law to a very great extent indeed? It was no objection to this Act to say that litigation had not wholly ceased, unless it could be shown that it had increased instead of having diminished. He admitted that cases of hardship and much inconvenience did exist, especially in regard to one burden which was thrown by this Act, in certain cases, upon the ratepayer, and to which he ought not to be made permanently liable. He expressed that opinion last year; and on that occasion said, that this law was not one which could be proposed with a view to its remaining permanently on the Statute-book, without any ulterior or greater change being made in the law. But the question was, whether this was a case of such pressing emergency, and of such importance, as to require the House to retrace its steps, and replace the law as it stood before this Act was passed? To that question he had not the slightest hesitation in saying they ought not to change the present law by any such measure as that now proposed. That it would be necessary to consider the whole question, both of the law of removal and the law of settlement, in a future Session, he fully admitted; but it would be most unwise merely to return to the state at which they were at the end of last year, when it was felt by all parties that the whole subject must undergo a speedy revision with a view to the enactment of some general measure. The hon. Baronet the Member for Droitwich (Sir J. Pakington) had referred to the Committee sitting on the subject. The evidence taken before that Committee would be a most valuable record; and when the question for making an alteration in the law of settlement, and of removal came to be considered (which must be the case at an early period), that evidence and the resolutions to which the hon. Baronet referred, would deserve careful perusal. It would appear, when the evidence and resolutions were reported to the House, that there prevailed a very general if not unanimous opinion that the law required a very extensive change, and that one of those changes ought to be an extension of the area of rating. With regard to the petitions of the people, he denied that any had been presented in favour of the Bill of the hon. and learned Member for Dorsetshire. The petitioners, indeed, spoke of the operation of the Act of last Session, and asked for its repeal, or that it should be amended. A great majority of the petitioners wished the law of settlement to be entirely abolished; others wished it to be changed by extending the area of rating and the right of settlement from the parish to the union; but none asked that the House should return to the law of settlement as it existed last year, unless it were impossible to find an alternative. Mr. Gulson and Mr. Pigott were examined before the Committee; and their evidence was in favour of an extensive modification of the law of settlement. It would, therefore, be most unwise in Parliament to agitate the question until they were prepared to deal with the whole subject. It would lead to the most mischievous consequences. This question had been before two Committees in the course of the present Session—one of the Commons, and one of the Lords. The Commons' report stated, that the most prominent difficulty under the present Act was attributable to doubts entertained as to the construction of the first section of the Act; but, whatever were the evils arising from those doubts, the Committee did not consider them of such urgency as to recommend that they should be removed by any act of legislation of a temporary nature. Now, the Bill of the hon. and learned Member for Dorsetshire would be one of a temporary nature, because the general question would still have to be dealt with by Parliament. The resolution to which the Lords' Committee arrived, declared that it was not advisable that Parliament should make any alteration in the Act of last Session, pending the consideration of the law of settlement. Such were the opinions of the two Committees on this subject, although he believed there was not an individual Member on either of those Committees who did not think that a very material alteration in the law of settlement and of removal should take place. For these reasons, he hoped the House would reject the Bill, and not consent to repeal an Act which was a very great improvement on the old law. At the same time, he admitted that all the authorities on this subject were in favour of an alteration of the law of settlement generally; but with respect to what that alteration should be, he would express no opinion now.

The Marquess of GRANBY said, it appeared to him that the right hon. Baronet did not feel very great confidence in the justice and well-working of the measure of last Session. The hon. Member for

Droitwich had said, that that measure was not proposed as a boon to the agricultural interest. He contended that it was. The right hon. Baronet the Member for Tamworth (Sir R. Peel), when introducing the Corn Law Bill, said—

> "I come now to a law which is the subject of complaint, and justly so, by the agricultural interest—I mean the present law of settlement."

In another part of the same speech the right hon. Baronet said—

> "We propose not only to relieve the land from a burden, but we propose to do an act of justice to the landed interest by altering the law of settlement."

This evidently showed that it was the intention of that right hon. Baronet to give that law as a boon to the agricultural interest; but he quite agreed with the hon. Baronet (Sir J. Pakington) that it was not accepted as such; and he believed that the right hon. Baronet the Member for Dorchester (Sir J. Graham) did not consider that it was a boon. But, even if it were a boon, though not so considered, still he begged to tell the hon. Member for Droitwich, that if the agricultural interest thought it was a boon conferred upon them at the expense of the labouring classes, they would not take it. He believed the law of last Session had acted most injuriously to the people of this country, and most unfairly to those very parishes that were the most liberal and humane. It had, perhaps, given relief to what were called close parishes; but it had afforded no relief to those that were open. It might also have served the interest of some agricultural parishes; but in regard to the towns it had acted most injuriously. He knew of a case that had occurred in the Grantham Union, where no less than forty families had been removed from one parish to the neighbouring parish, while they still continued to labour in the former parish, but where they could no longer reside, because their cottages had been pulled down. Should these families become destitute, they would be a burden upon the liberal parish that had received them, to the sole advantage of the close parish that had sent them away. The Act of last Session might, therefore, be well termed an act of injustice and oppression to the poor. Upon this ground he should support the Bill of his learned Friend the Member for Dorsetshire, and he should do so the more readily, because he understood from the right hon. Baronet (Sir G. Grey) that it would virtually repeal the Act of last Session.

Mr. SPOONER approved of the principle of the Bill passed last year, which was, that the parish which derived the benefit of a man's labour, should support that man in the hour of need. But what had been the real operation of that Act, by reason of the legal construction which had been put upon it? The construction of the Act was this: If a man and his family went to reside in a town or parish where he had no legal settlement, but where he had friends, by whose assistance, with a little additional aid from the parish to which he really belonged, he could comfortably live—that, although it could not be called an industrial residence, was construed to give the man a right of irremovability; and the town or parish to which he had so gone was held bound to maintain him and his family. In Birmingham, cases of that description had occurred to a great extent. This was a great and pressing evil, and constituted an emergency which ought to be immediately provided for. They must take care that they did not change ratepayers into rate-receivers. The subject was a matter which required great consideration; and he called upon the House at any rate to repeal the existing Bill.

Mr. V. SMITH denied that the Bill was intended to act harshly towards the poor; but it was because the ratepayers felt the pressure, that they inflicted the greatest hardships upon the paupers to induce them not to remain in the towns. There had been difficulty in interpreting the Act; and when the Attorney General gave his opinion on his own Act, he gave a very different meaning to the Act than that which the Legislature contemplated. The consequence was, that the Act, by general consent, was almost a dead letter, and litigation had not gone to the extent it would otherwise have gone. By the evidence of Mr. Coppock, the town-clerk of Stockport, and the clerk of the board of guardians, given in reply to a question from Sir J. Graham, it was proved that the Act was injurious to the poor, and that its repeal was preferable to a declaratory Act. The Committee had sat all the Session and had come to no good opinion; and he did not think that any benefit would arise from waiting for their determination; if he thought otherwise, he would not vote for the Bill of the hon. Member for Dorsetshire. By voting for it he would be relieving the ratepayers, benefiting the poor, and preparing the way for a more perfect arrangement of the law of settlement.

MR. RICE thought the law as it stood was a hardship on the poor; and the reason why the Act had not been further carried out was, because the general belief was that it would be altered or repealed. He was sure that the continuance of the present Act would aggravate existing evils, and he therefore trusted that the Motion of the hon. Member for Dorsetshire would be agreed to.

SIR J. GRAHAM said, that after the speeches of his hon. Friend the Member for Droitwich, and the right hon. Gentleman the Secretary for the Home Department, in opposition to the Motion of the hon. Member for Dorsetshire for the second reading of this Bill, it would not be necessary for him to detain the House by repeating the arguments urged by them; but he would notice an observation that was made by the right hon. Gentleman the Member for Northampton with respect to a remark that had fallen from the noble Marquess the Member for Stamford. He entirely agreed with the right hon. Gentleman, that, considering the merits of the question then under discussion, it mattered little what was the precise understanding upon which the Bill introduced last Session was brought forward; but, as the matter had been mooted, he thought it right, as the reputed author of that Bill, to give an explanation to the best of his memory of the circumstances of its introduction. When he brought forward that Bill, he distinctly stated that it was not intended as a measure of compensation to the agricultural interests who were so much affected by the repeal of the corn laws; and he expressly stated that if he could have ventured to bring it forward as such, which he did not, he knew it would have been rejected as a measure of compensation. No compact whatever existed as to the introduction of that Act; and, moreover, the proposition then made by him was by no means new. On the contrary, in August, 1844, he himself introduced a Bill relating to the law of settlement containing the very provision embodied in the Act of last Session. He had before him the clause in question, in the Bill of 1844, containing the principle of an industrial residence of five years, conferring a right to relief and irremovability. He appealed to the House whether the clause introduced by him in 1844 was not in principle, and almost in detail, identical with the proposition brought forward by him last year, and which received the sanction of Parliament. But he thought that the matter they were about to decide was to be tried upon this issue—is it favourable or unfavourable to the poor? And, first, he might say that he entirely assented to the proposition of his hon. Friend the Member for Droitwich, and dissented from that which had been laid down by the hon. Member for Dorsetshire. The hon. Member had said, that this Act was favourable to the rich, and injurious to the poor. He joined issue upon that ground; and he contended for the maintenance of this Bill, that, although it might inflict on the ratepayers a partial injury, its repeal would be an injury to the great body of the poor. Let them consider who were the recipients of relief, and under what circumstances the different classes of paupers were entitled to relief. The first, and by far the greater class, were those who resided in parishes where they were settled, and where they were entitled to relief. Upon that class this Act had no effect whatever, favourable or unfavourable. He would then consider another class, and that was the class upon which to a certain extent he admitted that the Act had, in the first instance, operated injuriously—he meant the class of paupers who were not resident in the places where they were settled or entitled to relief. He admitted that, upon the first passing of this Act, to a limited extent those persons did suffer; but he must observe, that he had great doubt whether, according to the strict interpretation of the law, persons not resident in the place of their settlement were entitled to permanent relief in places elsewhere than their settlement. Those who were practically acquainted with the administration of relief knew that giving relief under such circumstances was necessarily exposed to great imposition and fraud. At all events, that kind of relief was not generally encouraged, and when given was always open to great abuse and fraud. But that was the only class adversely affected by the Act of last Session. He would then refer to a third class, upon whom the Act conferred new and unmingled benefits; he meant a class resident in parishes where they were not settled, and not in the receipt of relief from the parishes where they had a settlement; a class who, however destitute they were, never up to the passing of this Act would venture to apply for relief for fear of being removed. For that class, the most suffering of all, the Act of last Session was the most beneficent measure ever passed. There was another class which he would also ask the House to consider—a class numerous in the manufacturing districts and in this metropolis — the industrious Irish, who had laboured in this country for more than five years, and had contributed to its wealth; and yet, the moment they became destitute and applied for relief, were liable to be removed. Upon that class, also, the Act of last Session conferred an unmixed benefit. He had now gone through all the classes of paupers in this country who were entitled to relief; and by far the most numerous classes were either entirely unaffected by the Act, or received great benefit from it. There was one small class which had received a temporary injury from it; but the Committee had had evidence the most conclusive that an adjustment had been going on between parishes where paupers were settled, and other parishes where they were resident, either for an interchange of paupers or a continuance of the relief to them as an equivalent for the relief afforded to their paupers by other parishes. He believed that the hon. Member for Birmingham was one of those who supported the Act of last Session, and who did not regret the course he had taken; but he was perfectly willing to concede to the hon. Gentleman that the Act had received a more extended operation in consequence of the construction put upon the words of it than was originally intended when it passed that House; and he asked them again to try that alteration by this test—had the poor been injured by such extension? He denied that they had; and that, so far from being injured, the interpretation put upon the Act was most humane and beneficent. Instead of the variation from the intention of the Legislature in consequence of such construction being a reason why the Act should be repealed, if they had any regard for the condition of the poor it was an additional reason why it should be maintained in its present integrity. Allusion had been made to what had fallen from him when this Act was introduced. He did not retract one word of what he then said. He admitted that the Act, though most beneficent to the poor, had in some localities effected an injustice on the ratepayers; and he had always contended, and still contended, that both with regard to the interests of the poor and the ratepayers there ought to be, concomitant with this measure, a revision of the law of settlement and of the law of removal; and that at all events there ought to be a more extended area of rating. The Committee, of which he was a Member, had laboured five months on that inquiry. They had accumulated an immense mass of evidence, and he regretted the decision they had come to on the preceding day not to report any resolution to the House; but, fortunately, without any determination of the Committee to report, by an admirable regulation of that House, their proceedings would not be unknown. All their proceedings would be before the House and the country. How each Member voted with respect to each resolution would be seen and known; and it would then be apparent that a considerable majority of the Committee thought that the law of removal ought to be abolished; that a wider area should be given to rating; and, in the opinion of the Committee, removal being abolished, the limits of the existing unions subject to revision, afforded the best field for the extended area. Those propositions, taken in conjunction with the evidence, would, he hoped, enable the public to form their opinion upon those important subjects during the recess; and, whilst they would afford to the Government an admirable opportunity of ascertaining the public feeling upon them, he trusted they would look to the whole subject dispassionately and carefully, and that at the opening of the new Parliament the Government would be prepared with some substantive proposition. The hon. Member for Dorsetshire, in stating his case for the introduction of this Bill, had referred to authorities; and he cited only the authority of a clergyman at Blandford and of a gentleman at York, known to his right hon. Friend the Lord Mayor of that city, he believed, the editor of a country newspaper. He would not weary the House by proceeding to quote the opinions of the most competent authorities with respect to the Act itself; but he would state, that Mr. Hall, an assistant commissioner for one of the metropolitan districts, having under his superintendence a population of about a million and a half, said, that as to the recipients of relief, he could not find that there was any complaint whatever of the operation of the Act; that amongst the ratepayers complaints were rapidly diminishing; and he gave the most satisfactory testimony as to the general beneficial working of the measure. He could not therefore hesitate in the course he should take; and he consequently trusted that the House would by a large and decided majority refuse the second reading of the Bill.

Mr. MILES said, that although Mr. Assistant-commissioner Hall had borne testimony in favour of the Act, there was hardly another witness who had not spoken in condemnation of it. No one could doubt that the operation of the measure was most injurious to the interests of the small rate-payers, whether they resided in the country or in towns. It appeared to him that the hon. Member for Dorsetshire, seeing no prospect of an early adjustment of this important subject, had acted most wisely in bringing forward the present measure, to remove a nuisance, the ill effects of which were very generally acknowledged.

Mr. C. BULLER hoped, considering the position which he had occupied with reference to this measure, that the House would excuse him if he took up their attention for a few minutes; and he was the more induced to address them, when he remembered the frequent references which had been made to the proceedings of that Committee of which he was a member. From what had occurred during the present discussion, it would seem as if the House thought it was the duty of the Committee to take the business of legislation wholly off their hands; and there seemed to have been considerable dissatisfaction felt that the Committee had not presented such a report as would at once have put an end to all doubts and difficulties. Now, he must say, that that was expecting rather too much—it was expecting much more than was ordinarily required of Committees — especially from Committees to which delicate and difficult duties were assigned; and he felt the more justified in making this observation when he called to mind the many important interests connected with the subject, and the exceeding difficulty of the whole question. The House could not fail to remember, that in the course of the present discussion, some complaints had been made against the Committee on account of what was said to be the unsatisfactory termination of their labours; and some hon. Members thought proper to be witty at their expense. But it appeared to him, that the great object to which the Committee were bound to direct their attention, was to collect and methodize all the material evidence that they could obtain relating to the subject referred for their inquiry, and to bring the difficulties of the question in connexion with that evidence before the House. It seemed also to be a part of the duty of the Committee to collect the most feasible schemes which had been suggested for remedying the evils which gave rise to the inquiry; but he conceived it to be a great mistake if any one supposed that fifteen Gentlemen were appointed, not merely to obtain material evidence or hear suggestions, but to assist the House with their opinion, and relieve the whole representative body of this country from the task of legislating upon the subject referred to that Committee. They were not called upon, and, speaking generally, he did not think that Committees were called upon to do anything of the sort. If the House had said to the Committee, "We feel ourselves incompetent to the duty of legislating upon this subject, and we transfer that duty to you, the Committee—your report shall be received as final, and your resolutions shall become law"—such an instruction would have very materially altered the state of the case. But he, as one member of the Committee, never had taken a view so ambitious as that of the duties which he was called upon to perform. He had looked merely to collecting evidence; and he took upon himself to say, that in the performance of that task, the Committee had discharged their duty faithfully and efficiently. They engaged cheerfully and sedulously in the arduous, and as he thought important, duty of obtaining evidence from various parts of the country. At the same time he must be allowed to add, that if the Committee had acted upon the suggestions made to them, and had examined every witness whose evidence was supposed to be essential in this matter, he undertook to say, that if the next Parliament sat for seven years, they could not have gone through the whole of the testimony which the Committee had been advised to receive. The first duty in which the Committee engaged was to obtain information from those who were best acquainted with the practical working of the law; and he now appealed without hesitation to the House, to say if it could have been possible for them to obtain a better class of evidence than that which they had selected. It appeared to him, that no class of men could possess more practical knowledge than those who had been examined by the Committee; and he ventured to say, that very few persons, perhaps no one, could read the evidence appended to the report of the Committee, without having his practical knowledge increased, no matter how great it might previously have been. The Committee had also considered it to be their duty to listen to all the useful practical opinions that they could obtain respecting the working of the law; and to all the practical suggestions which were laid before them, with the view of bringing all the knowledge that could be collected on the subject into something like a focus, in order that the House might have before them all possible complaints and opinions, as well as the several remedies which could be suggested for counteracting the evils imputed to the existing state of the law. This was the duty which the Committee had proposed to themselves; and he ventured to affirm that no one would be so unjust as to say that they had not discharged that duty faithfully and efficiently. He had been himself the chairman of the Committee; his right hon. Friend the Secretary for the Home Department was also a member of the Committee. Upon that account, as well as for other reasons, it was thought that the Government ought in the proceedings of the Committee to take the initiative—it was considered that it lay with them to do so; and in the Committee he proposed resolutions of which no one could say that they did not satisfy the conditions to which he had just adverted. The Committee fully canvassed the plans which were laid before them, and they adopted some parts of the suggestions made to them, and rejected other portions. But was that all? No, the hon. Member for Stroud proposed a plan of his own, a portion of which was incorporated in the report of the Committee, and the rest was rejected. The hon. Member for Leeds proposed some resolutions which were discussed and rejected; so likewise were the propositions of the hon. Members for Finsbury and Rochester, and various other proposed changes were discussed and rejected; but nevertheless the results of them were apparent in the report which the Committee had laid before the House; besides which, a mass of evidence had been brought before the House, of which the House and the country would now be enabled to judge for themselves; and thus, as he conceived, great good had been effected. He had thought it necessary to state now to the House, in a few words, the labours of the Committee, before he took any notice of the conclusions at which he himself had arrived as to the law of settlement. He confessed he had seen no reason to change the opinion which he had expressed when one of the resolutions was under discussion. In the course of the investigations in which the Committee had been engaged, such a picture had been drawn of the working of the law of removal, that they felt they could no longer be parties to inflicting upon the poor of this country an evil so intolerable as that of liability of removal from parish to parish. He went into the Committee with a strong impression that the law ought to be left as it was. He thought and argued against interference with the existing state of the law; but he never gave any vote with a more perfectly conscientious feeling of rectitude than in favour of that resolution which declared that the law of removal was injurious to every class, and most intolerable to the industrious labouring people of England. He repeated, that the labours of the Committee had done great good, though they might not have fulfilled all the expectations which some hon. Members seemed to entertain. The possibility of a modest young Member deriving no advantage from their labours had been suggested; certainly a lazy and stupid Member would not, from the report, find that the Committee had performed for him the duties of legislation. If a modest young Member possessed true wisdom, he might derive no inconsiderable advantage from a perusal of that report; and if that imaginary Member, in the next Parliament, were to look at the evidence which the Committee laid before the House, that evidence would enable him to draw conclusions well calculated to assist him in the task of legislating upon the subject then under consideration; and he must be a very crotchety, as well as a very modest young Member, if he did not draw from the evidence practical conclusions to which he might afterwards safely adhere. Having now expressed the conclusion at which he had arrived with reference to the state of the law and the condition of the poor, he presumed there could be no doubt as to the vote that he should give. In the course of the present discussion, some observations had been made with respect to there being a necessity for introducing a Bill to amend or explain the former Bill. He had always considered that the distinction taken between irremovability and settlement was not tenable; at the same time, he was willing to admit, that if the subject now before them related to amendment or to interpretation, the question which they might be called on to decide would be wholly different from that respecting which they must that evening give a vote. He was not asked to interpret or explain; but he was asked to repeal last year's Bill, the object of which was to prevent removal; and those who supported the present measure would be for re-establishing the previous state of the law. He knew it was said that the Bill of last Session inflicted hardship on the poor; but he was at a loss to discover by what evidence that position had been proved. The evidence of Mr. Coppock was most clear—that gentleman showed that he well understood the subject; but he did not show that the law of last Session had worked injuriously for the poor. He did not understand the mischief which the Bill was said to have inflicted—at all events if there were any evil in it, Parliament had incurred that evil with their eyes open. Would any one tell him, or would any one maintain, that the law which prevented the removal of the poor could be detrimental to the poor? If they repealed the Act of last Session, without creating a perfect settlement, they would inflict upon the poor a gross hardship. There could not be a more just cause of discontent to the labouring poor, than their liability to removal. He wished that the House would, upon this question, consider what had been their course of legislation for the last fifteen years. It had been against the interests of the poor. The old law of settlement gave a settlement by hiring and service and by apprenticeship. Apprenticeship had been almost, and the right from hiring and service had been entirely, swept away. Hardly any one could now acquire a settlement in the place where he had worked and spent his days. The practical effect of this was, that whenever a poor man became destitute, he was almost always liable to the chances of removal; he never till now heard that the Act creating irremovability had been otherwise than beneficial to the poor; and now the hon. Member for Dorsetshire proposed to repeal that Act—simply to repeal it—although it was the only Act passed during the last fifteen years at all calculated to mitigate the sufferings of those who became chargeable to their parishes. He trusted, then, that the House would not accede to any such proposition. Whatever might be the evils of permitting the law to remain as it was, there could be no doubt that those evils would be much less intolerable than the mischief that would not fail to arise from the measure of the hon. Member for Dorsetshire. Some advantage might be derived from extending the area of rating: upon that point, however, and indeed upon any other relating to the matter before them, he was not then prepared to make any proposition; but the House had heard his right hon. Friend say that the Government would not lose sight of the matter, and that they would direct their best endeavours to place the law of settlement upon a new, and, as they ventured to hope, a satisfactory footing. But in the face of those considerations—in the face of the growing opinion of the country—in the face of the growing wish that the area of rating should be extended, he did entreat the House not to take a retrograde step by recurring to one of the worst principles of legislation. On those grounds he should oppose the Motion of the hon. Gentleman. He hoped the House would reject it; that they would postpone till next Session the task of devising the best possible remedy for the existing evils; and that they would remember that the interest of the country was deeply involved in the step that they were about to take.

Mr. BANKES replied. He did not fear that the measure which he had proposed would have the effect of producing such discontent as the hon. Member apprehended. His right hon. Friend behind him, the Member for Dorchester, proposed in 1844 the test of industrial residence, and from that principle it was not now proposed to make any very great departure. It should be remembered that several witnesses who were examined by the Committee said that the sooner the law of last Session was gotten rid of the better.

The House divided on the question, that the word "now" stand part of the Question:—Ayes 102; Noes 105: Majority 3.

List of the Ayes.

Adderley, C. B.
Allix, J. P.
Arkwright, G.
Bailey, J.
Barrington, Visct.
Bentinck, Lord G.
Blackstone, W. S.
Boldero, H. G.
Borthwick, P.
Bramston, T. W.
Broadley, H.
Brooke, Lord
Buck, L. W.
Bulkeley, Sir R. B. W.
Buller, Sir J. Y.
Burroughes, H. N.
Carew, W. H. P.
Chaplin, W. J.
Christopher, R. A.
Clive, Visct.
Davies, D. A. S.
Denison, J. E.
Denison, E. B.
D'Eyncourt, rt.hon. C.T.
Douglas, Sir H.
Duckworth, Sir J. T. B.
Duncombe, hon. O.
Farnham, E. B.
Fielden, J.
Fellowes, E.
Floyer, J.
Forbes, W.
Fuller, A. E.
Gaskell, J. M.
Gladstone, Capt.
Gore, M.

Goring, C.
Granby, Marq. of
Grimsditch, T.
Hall, Sir B.
Heathcoat, J.
Heneage, G. H. W.
Henley, J. W.
Hervey, Lord A.
Hildyard, T. B. T.
Hodgson, F.
Hodgson, R.
Hotham, Lord
Houldsworth, T.
Hudson, G.
Hussey, T.
Ingestre, Visct.
Jolliffe, Sir W. G. H.
Kerrison, Sir E.
Lennox, Lord G. H. G.
Liddell, hon. H. T.
Lowther, hon. Col.
Manners, Lord C. S.
Manners, Lord J.
Miles, W.
Morris, D.
Mundy, E. M.
Muntz, G. F.
Neeld, J.
Newdegate, C. N.
O'Brien, A. S.
Packe, C. W.
Paget, Col.
Palmer, G.
Pechell, Capt.
Pennant, hon. Col.
Pinney, W.
Prime, R.
Repton, G. W. J.
Rice, E. R.
Richards, R.
Rolleston, Col.
Round, C. G.
Round, J.
Seymer, H. K.
Seymour, Lord
Sheppard, T.
Shirley, E. J.
Smith, A.
Smith, rt. hon. R. V.
Spooner, R.
Stanley, hon. W. O.
Stuart, J.
Tancred, H. W.
Taylor, E.
Thornhill, G.
Tollemache, J.
Trelawny, J. S.
Trollope, Sir J.
Trotter, J.
Vyse, H.
Waddington, H. S.
Welby, G. E.
Williams, W.
Wodehouse, E.
Worcester, Marq. of
Yorke, H. R.

TELLERS.

Bankes, G.
Palmer, R.

List of the NOES.

Ainsworth, P.
Alford, Visct.
Anson, hon. Col.
Antrobus, E.
Arundel and Surrey, Earl of
Baine, W.
Bannerman, A.
Baring, rt. hon. F. T.
Bellew, R. M.
Berkeley, hon. Capt.
Bodkin, W. H.
Buller, C.
Burke, T. J.
Byng, rt. hon. G. S.
Cavendish, hon. G. H.
Christie, W. D.
Clerk, rt. hon. Sir G.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Dalrymple, Capt.
Dawson, hon. T. V.
Dennistoun, J.
Dickinson, F. H.
Duncombe, hon. A.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ellice, rt. hon. E.
Esmonde, Sir T.
Evans, W.
Fergusson, Col.
Forster, M.
Fox, C. R.
Gibson, rt. hon. T. M.
Gore, W. R. O.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hallyburton, Lord J.
Hanmer, Sir J.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Hollond, R.
Howard, hon. C. W. G.
Howard, P. H.
Howard, Sir R.
Jermyn, Earl
Johnstone, Sir J.
Kelly, Sir F.
Labouchere, rt. hon. H.
Lawless, hon. C.
Lindsay, Col.
Macaulay, rt. hon. T. B.
Maule, rt. hon. F.
Mitchell, T. A.
Moffatt, G.
Monahan, J. H.
Morpeth, Visct.
Morison, G.
Mostyn, hon. E. M. L.
Neville, R.
Nicholl, rt. hon. J.
O'Brien, C.
O'Brien, J.
O'Connell, M. J.
O'Conor, Don
Ogle, S. C. H.
Owen, Sir J.
Palmerston, Visct.
Parker, J.
Pattison, J.
Perfect, R.
Plumridge, Capt.
Pulsford, R.
Reid, Col.
Rich, H.
Romilly, J.
Ross, D. R.
Russell, Lord J.
Russell, Lord E.
Russell, Lord C. J. F.
Rutherfurd, A.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, Sir W.
Strickland, Sir G. M.
Strutt, rt. hon. E.
Thornely, T.
Towneley, J.
Tufnell, H.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Vivian, J. H.
Walker, R.
Walpole, S. H.
Ward, H. G.
Wellesley, Lord C.
Wood, rt. hon. Sir C.
Wortley, hon. J. S.
Wyse, T.

TELLERS.

Hill, Lord M.
Pakington, Sir J.

Second reading put off for three months.
House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, June 24, 1847.

MINUTES.] *Sat first.*— The Lord Ponsonby, after the Death of his Father.

PUBLIC BILLS. 3ª and passed:—Cemeteries Clauses; Out-Pensioners (Chelsea and Greenwich); Collection of Duties (Port Natal); Destitute Persons (Ireland) (No. 2); Punishment of Vagrants (Ireland); Turnpike Acts Continuance; Van Diemen's Land Company; British American Land Company.

PETITIONS PRESENTED. By the Earl of Radnor, from Metropolitan Householders and others, in favour of the Health of Towns Bill.—By the Archbishop of Dublin, from Dublin, for Inquiry into the Principles of the Mendicity Society (Dublin).—From the Principal and Professors of the College of Glasgow, and others, praying to be heard by Counsel against the Trinity College (Scotland) Incorporation and Estate Bill.

PORTUGAL.

LORD BROUGHAM called the attention of the Government to the case of Das Antas and others of the prisoners in the Fort St. Julian, and was understood to say that he believed the Count to be utterly incapable of dishonourable conduct, and of the use of his influence in the manner imputed to him in some quarters. He (Lord Brougham) did not ask that the whole body of the prisoners should be set at liberty, to recover arms and to take up the cause of the Junta; but he hoped and trusted that Das Antas, and other officers in whom confidence could be reposed, might be selected as worthy to be released upon their parole. Nothing could be harder or more unjust upon those individuals who had no bad intentions than to keep them in custody until every other person who might have evil designs should have given up those designs and come in to the terms proposed; it was making these individuals answerable, not for their own conduct, but for that of others. The facts strongly inclined one to believe that Das

Antas differed from the Junta; and, without meaning to say that he surrendered himself to escape from the pressure of popular influences at Oporto, he (Lord Brougham) was disposed to think that the Count so far differed from the Junta, that he was willing to offer very little resistance on that occasion. The Portuguese were an exceedingly well-disposed people, though obstinate; and the release of Das Antas and others, upon their parole, would tend greatly to put an end to the present resistance to the Queen's authority. It would also be as popular an act as could be done, if the King would resign the command of the army.

The Marquess of LANSDOWNE was understood to say, that he perfectly agreed with the noble and learned Lord in the character he had given of the Count das Antas, whom he believed to be a distinguished and gallant officer, and a most honourable man: and there existed on the part of the British admiral and the British officers at Portugal the greatest desire to show that attention and respect personally to a brave officer which his character and station entitled him to. He (the Marquess of Lansdowne) was sure that there could be felt no intention so improper or unfair, either in Portugal or anywhere else, as that of prolonging the term of captivity—if captivity it were to be called—longer than was absolutely necessary; and, least of all, to make its cessation dependent on the total pacification of Portugal—if by that term was to be understood the surrender of every individual insurgent.

Lord BROUGHAM expressed his satisfaction at the answer given by the noble Marquess, particularly in respect to the latter part of it.

BISHOPRIC OF MANCHESTER, &c., BILL.

Order of the Day for receiving the Report of the Amendments read.

The Bishop of BANGOR moved to insert after the Preamble the following words:—

> " And whereas in the Preamble of this Bill it is recited that the said Commissioners have made their First Report to Her Majesty, bearing Date the 20th Day of April in the present Year, and have in their said Report recommended, that the Diocese of Saint Asaph consist of the whole Counties of Flint and Denbigh, and such Parts of the Counties of Salop and Montgomery as are now in that Diocese, except the Deanery of Ceifeiliog in the last-mentioned County; and that the Diocese of Bangor shall consist of the whole Counties of Anglesey, Carnarvon, and Merioneth, and the Deaneries of Ceifeiliog and Arastley in the County of Montgomery: And whereas it is not expedient that the Deanery of Dyffryen Clwyd, now forming Part of the Diocese of Bangor, should be severed from that Diocese and transferred to the Diocese of Saint Asaph; be it therefore enacted, That the Diocese of Saint Asaph consist of the whole County of Flint, the County of Denbigh, except the Deanery of Dyffryn Clwyd, and such Parts of the Counties of Merioneth, Salop, and Carnarvon, as are now in that Diocese, except the Deanery of Ceifeiliog; that the Diocese of Bangor consist of the County of Anglesey, the County of Carnarvon, except such Parts of it as are now in the Diocese of Saint Asaph, the Deanery of Dyffryn Clwyd in the County of Denbigh, such Parts of the County of Merioneth as are now in the said Diocese, and the Deaneries of Ceifeiliog and Arastley in the County of Montgomery."

The Bishop of LONDON was understood to oppose the Amendment.

Amendment negatived.

Then it was moved to leave out Clause 2, but on question that it stand part of the Bill, resolved in the *affirmative.*

House adjourned.

HOUSE OF COMMONS,

Thursday, June 24, 1847.

Minutes.] Public Bills.—1° Polling at Elections; Poor Removal Act Amendment (No. 2).

2° Militia Ballots Suspension.

Reported. — Health of Towns; Custody of Offenders; Fishery Piers and Harbours (Ireland).

3° and passed:—Poor Laws Administration; Tithes Commutation; Threatening Letters, &c.

Petitions Presented. By Mr. Brotherton, from North Shields, for the Abolition of the Receipt Stamp Tax.—By Lord E. Howard, from Protestant Dissenters of Morpeth, against, and by Lord R. Grosvenor and Sir R. Peel, from Catholics of Neston and Hereford, for Alteration of, the proposed Plan of Education.—By Mr. G. Hope, from Owners and Occupiers of Property in the Parish of South Stoneham, against the Health of Towns Bill.—By Colonel Sibthorp, from Commissioners for Paving, Lighting, Watching, and Improving the City of Lincoln, in favour of the Health of Towns Bill and Towns Improvement Clauses Bill.—By Colonel T. Wood, from Officers connected with the Administration of the Poor Law in England and Wales, for Establishing a Superannuation Fund.—By Mr. Masterman, from Butchers and others resorting to Smithfield Market, against its Removal.

REPRODUCTIVE WORKS IN IRELAND.

Mr. GEORGE A. HAMILTON said, that it was necessary for him to preface the question of which he had given notice by a very few observations. The House would recollect that many persons in Ireland, tenants as well as landlords, invited and instigated by Mr. Labouchere's letter of October 5, 1846, had obtained presentments for drainage and other useful and reproductive works, especially in the north of Ireland, and had given guarantees for repaying the cost of those works by instalments, and that these presentments and guarantees had been ratified and made a first charge upon the lands, by an Act passed early in the present Session. In neither of the Acts which have reference to the subject is there any clause by which it is provided that these works shall be completed within any specified time, though the Act of last Session enacts that no presentment sessions shall be holden, or any new work commenced, after the 15th of August, 1847; but a circular has been issued by the Board of Works, to the effect that all works shall be finally discontinued on that day. Now, as he (Mr. Hamilton) was informed, many of those works of drainage, undertaken by individuals under Mr. Labouchere's letter, and the cost of which is now the first charge on the land, will necessarily be in an unfinished state on the 15th of August; and if left in that unfinished state, the sums heretofore expended on them may be altogether lost. The question, therefore, which he had to ask the right hon. Gentleman opposite, the Chancellor of the Exchequer, was, whether the circular of the Board of Works recently issued, in which it is stated "that all works commenced under the 9th and 10th Victoria, c. 107, and for which presentments have been obtained at extraordinary sessions, whether roads, bridges, opening watercourses, thorough drainage, &c., shall be finally discontinued on or before the 15th August next," is intended to apply to works of a reproductive character and permanent utility, undertaken by private individuals under Mr. Labouchere's letter; and the undertakings for which were ratified, and the amount made chargeable upon the lands, by the Act of the present Session 10th Victoria, c. 10? And, if so, in cases where any such works shall be in an unfinished state on the 15th August, whether the balance of the sum so chargeable will be advanced to the persons liable, in order to enable them to complete the works themselves; or, if not completed under the provisions of the Act, in what manner it is proposed that the money expended upon works so left unfinished on the 15th August is to be apportioned between the owner and the occupier?

The CHANCELLOR of the EXCHEQUER said, that perhaps the shortest and easiest answer he could give to the hon. Member was, by stating that he had that morning received a letter from the Board of Works, in which it was stated, that there was no work of the nature described by the hon. Member which could not be completed before the end of July. The case, therefore, put by the hon. Member was not likely to occur; but if there should be any reproductive works unfinished on the 15th of August, the parties interested would only have to apply under the Improvement of Estates Bill, and they would obtain a loan under the terms of that Act.

RAILWAY ACCIDENTS.

Mr. RICE wished to ask the right hon. Gentleman the Member for Derby, the Railway Commissioner, a question with reference to the recent accidents on railways. It was stated, that the inquiry respecting the accident on the Brighton line was postponed to the 3rd of August. On the evidence on that inquiry, Hesketh, foreman of the enginemen, stated, that Stephenson's engines, Nos. 39, 40, 41, and 42, "kick about more than others." Capt. Coddington said, "they oscillated more than others; but he did not think thirty-five miles an hour would be unsafe." He further stated, they were used on the Eastern Counties and Dover lines. Now, as he (Mr. Rice) was frequently in the habit of travelling at a much greater speed on the latter line, the question he wished to ask was, whether the Railway Commissioners possessed any, and what, powers of adopting means for affording protection to the public against accident and loss of life on railways; and, if so, in what way they proposed to exercise those powers with reference to the recent accidents? He put the question generally.

Mr. STRUTT said: According to the present provisions of the law, in case of accident attended with serious personal injury, the company on whose line it has happened is required to give notice of the occurrence to the Railway Commissioners within forty-eight hours. If the Commissioners think further information necessary, they can either call for it from the Railway Company itself, or send down an official of their own to make an investigation into it. Upon that examination, and when in the possession of all the facts, the Commissioners can make any recommendation to the Company they may think fit, for the prevention of future accidents. To make the subject clearer, perhaps I had better simply state what course the Commissioners have taken with respect to the three accidents that have lately occurred, namely, that of the Dee bridge, at the Wolverton station, and on the Brighton and Chichester line. With respect to the accident at the Dee bridge, the Commissioners considered it of great importance; they therefore despatched Captain Symonds, accompanied by Mr. Walker, to inquire fully and on the spot into the causes of the accident. They made a very able report to the Commissioners, which was laid before the coroner's jury at the inquest. The Commissioners have since taken the report into consideration, and the conclusion they have drawn from it is, that further experiment and examination are necessary with regard to the use of cast iron in the construction of railway bridges. The Commissioners have reason to believe, that though there has been sufficient experience to regulate the use of cast iron where it is subjected to steady pressure, additional experiments and further information are required as to those cases where, as in railway bridges, it is liable to the passing of heavy weights at great velocities, and where the vibration is caused by such circumstances as these. Taking this into account, the Board has recommended the Government to appoint a commission to investigate the subject, with power to make experiments upon it; that commission will be constituted partly of gentlemen of eminent scientific experience, and partly of practical engineers. In the meantime, circulars have been issued to all the railway companies in the United Kingdom, requesting them to make a return of all the cast-iron bridges they have on their lines, their dimensions, and other particulars; they are also recommended, in case there are the slightest doubts of the stability of any bridge, at once to give it additional temporary support, and, till the report of the experimental commission is made, to run the trains over it with great caution, and only at low rates of speed. I hope to be able to produce to-morrow the report which the Commissioners have drawn up on the subject. With respect to the second accident, which occurred at Wolverton, and arose from the misconduct of one of the servants of the company in directing the points, the Commissioners sent Captain Symonds down to make an examination on the spot; his report was laid before the directors of the company, who attended with great promptitude to it, and stated their full concurrence with its recommendations. They requested that Captain Symonds might be placed in communication with Captain Huish, the superintendent of the line, for the purpose of drawing up some regulations that might prevent similar accidents in future: not on that line only, but on others; due authority was given to Captain Symonds for that purpose, and he has prepared some regulations on the subject. With respect to the third accident, that on the Brighton and Chichester line, where the engine got off the rails, an investigation has been made by Captain Coddington, under the orders of the Commissioners; that gentleman has made a report, and has also attended the inquest. With respect to this accident, I may mention that the attention of the Commissioners was also called to the state of the working stock of the company, as great alarm existed on the subject, under a supposition, whether erroneous or not, that the working stock was not in a fit condition. The Commissioners thought it their duty, from a due regard to the public safety, and as a matter of justice to the company, to institute a full inquiry. When that intention was communicated to the company, they expressed the utmost readiness to afford every facility; Captain Coddington was appointed to conduct it, assisted by Mr. Murray, a gentleman recommended by the Admiralty. The inquiry is in progress; but till the inquest, which is adjourned, is over, I will not express any opinion as to what the result of the examination may be. I only hope that to all future accidents, as to these, the Commissioners will pay the utmost attention, and will look on it as the most important duty they have to perform.

POOR LAW ADMINISTRATION BILL.

Sir G. GREY moved the Order of the Day for the Third Reading of the Poor Law Administration Bill.

Mr. WAKLEY rose to move the Amendment of which he had given notice, that the Bill be read a third time that day three months. He would take that opportunity of recording his vote against this Bill. It was his fixed determination to divide the House on the question. A more improvident or more unconstitutional Bill could not have been introduced; and he apprehended, should it pass into law, the most disastrous consequences to the poor, and the greatest injury to the character of the Legislature would follow. He feared that many hon. Members, in giving their partial consent to its enactment, had been confiding in the Government, without ever having looked at the provisions it would enforce. When the measure had first been brought forward, it was said, " See what changes will be effected; wait only, and you will see it modified;" and the understanding with many hon. Members was, that if these alterations were not effected, they would vote against the third reading of such a Bill. Well, it had passed through all the preliminary changes, and it was as objectionable as ever; hardly one of its obnoxious clauses had been expunged. Under these circumstances, his opposition to it was as strong as at first; and his conviction was, that a Bill more injurious to the poor could not have been introduced. It seemed to him to be a desperate effort to maintain the Poor Law Amendment Act. The Poor Law Commissioners were condemned by all parties now, except the Ministers, who had declared their readiness still to defend the conduct of the officials at Somerset House. The proposition now was to construct a new Commission; to make that Commission as strong as it could be made out of the materials of the Government; and the object was to maintain the iniquitous Act. The Poor Law Commissioners for the future would be among Her Majesty's Ministers. The first clause contained a proposal for allowing Her Majesty's Ministers to name any number of persons they might think fit to be appointed Poor Law Commissioners. The second clause enacted that the Lord President of the Council, the Lord Privy Seal, the Principal Secretary of State for the Home Department, and the Chancellor of the Exchequer for the time being, by virtue of their respective offices, should be Poor Law Commissioners. By the fourth clause, it was enacted that the First Commissioner named in the letters patent calling the Commission, should be President of that Commission. The seventh clause provided, that any two of the Commissioners, or the President alone, might act, except in cases which would be pointed out by the Bill. The President, that was to say, might act in all cases except in the making of general rules and orders; and that President, it would be observed, would be nominated by the Minister of the Crown. The consequence would of course be, that he would be a servant of the Ministers of the Crown, sitting and voting with those Ministers in the Commission. The eighth clause provided that there should be paid to the Commission, their secretaries and clerks, such salaries as might be approved of by the Lords of the Treasury—in other words, such salaries as might be approved of by the Ministers themselves sitting in that Commission. The question then resolved itself into the power the Government might exercise in that House. By the nineteenth clause it was enacted that the Commissioners should have power to appoint any number of persons as inspectors, the intention being that the assistant poor-law commissioners should hereafter be called inspectors. He did not see that the country would gain much from that change in title. It would be perceived by the House that the legislative and executive functions of the Government would be blended as intimately as ingenuity could have devised. Ministers would decide in their executive capacity as Commissioners, that which they would afterwards have to discuss when laid before the House. If a case of discontent arose, and complaint was made by a Member, it would be found, that as the Ministers had sanctioned the oppression as Commissioners, they would necessarily be debarred from deliberating freely there on the great questions which affected the welfare of the people. They would never be free agents —they would always be pledged and committed to the line of conduct which elsewhere they had marked out for their guidance. If a Member should rise in that House to protest against any abuse, he would find occupying the Treasury benches men who could not listen to him, because they would be fettered by preconceived notions, prearranged rules and practices. If they were attacked they would call the placehunters and their own followers to their aid; every question introduced in relation to the Poor Laws, previously decided by the Commission, would be made a Government question; and it was, therefore, not difficult to foresee that the interests of the poor must suffer. Under such circumstances it would be impossible ever to obtain justice for the poor; whatever were the will or the disposition of the Commissioners, the Ministers, if a mistake were made, would not be in a condition to repair it. For these reasons he raised his voice against the principle of the measure. He regarded it as one of the most unfortunate propositions ever offered to the Legislature. What had the Poor Law Amendment Act been intended to accomplish? To raise wages—to make the poor independent—to diminish crime—and to lessen in the future the number of illegitimate children in this country. Had it accomplished any one of these objects? Not one. There was not the slightest pretence for saying that any one of the anticipations with which the Bill had been attended had been fulfilled. One exception had indeed been insisted on: there probably might be a reduction in the total amount of money expended. But there was a fallacy in that statement. It was well known, that up to 1834, up to the time of the passing of that Bill, a great number of expenses had been admitted in parishes, put down to the account of the poor, but not incurred by relief to the poor; and it was a notorious fact, that since then these expenses had been disallowed by the Commissioners, and paid from other sources—out of the Consolidated Fund and the county rates. Let there be taken, for instance, the expenses of the office in which he performed his duties. All the expenses of the coroner's office, with the exception of the coroner's fees, had formerly been paid by the parishes, and were now paid out of the county rates. The burden was taken from one pocket and placed in the other, and John Bull was appealed to, and told that he was relieved. It was all nonsense; if the accounts were accurately examined, it would be seen that the amount expended now in the relief of the poor exceeded the amount expended previous to 1834. They had then been promised that the measure would ultimately lead to the abolition of all Poor Laws, and that the effect would be to do away with out-door relief. And what really was the result? Why, that seven-eighths of the relief administered to the poor was out of the workhouse. The odious Statute of 1834, therefore, when properly inquired into, had been a complete failure; and yet Ministers now adopted the impolitic expedient of taking on themselves the duties of the Poor Law Commissioners, in order to maintain in its integrity that detestable enactment. What would the country have said in 1834 if it had then been proposed that the powers created by the Bill should be intrusted to the Executive Government? What would now be the effect? There were 590 unions, 590 masters of workhouses, 590 schoolmasters, nearly 2,000 relieving officers, and probably 3,000 medical officers; then there were 590 clerks to the boards of guardians; and all these parties, if the Bill passed into law, would hold their offices at the pleasure of the Government. And yet, few petitions had been presented against the Bill, and the House exhibited very little inclination vigorously to oppose it. He would ask, if the Tories had been in power, and such a proposal had emanated from them, what would the noble Lord the First Lord of the Treasury have said to it? What would a Whig Opposition have said, if, in the old boroughmongering times, such a scandalous measure had been introduced? Talk of a Reform Parliament! Why, this was something worse than was ever attempted by the Parliaments of the olden time. Whatever the sins of our forefathers, they had, at least, always been chary of their confidence, when there was mooted the introduction of placemen into that House, or when there was proposed any addition to the power of the Executive Government. Now, the President of the Commission and one of the Secretaries were to have seats in the House; and this would be independent of the enormous, unprecedented, and unparalleled influence which would be conferred on the Government acting in its double capacity. Let hon. Gentlemen remember what was the constitution of the boards of guardians. Let it be recollected that nominally, if not virtually, the boards of guardians were bodies elected from the ratepayers; and, though at present the election was a farce—for the same man was elected year after year—yet, under the operation of this law an inducement would be held out to the clerks to the guardians to throw into the board as much of political power as possible, that they might enhance the value of their own services when the day of election came. And in seasons of political strife and party contest, was it not inevitable that the interests of the poor would be forgotten, or, if remembered, undervalued? Was it wise or prudent to infuse into these bodies, throughout the country, that party spirit which would inflame passion and distract the attention which should be directed to one point alone? It was a most wicked device, and he should like to hear the originator of the scheme named, that they might exhibit towards that individual that indignation which the character of the proposal so well merited. If they were to judge of what would be the conduct of Ministers as Poor Law Commissioners by the demeanour they had maintained towards the present Commissioners since the Andover inquiry had terminated, he confessed he could not but look forward to the future with painful dread. In that inquiry the conduct of the Commissioners had been proved to have been improper and illegal in the last degree; and yet they had heard the noble Lord rise in his place and declare that, having examined all the evidence, should a Motion be made to condemn the Commissioners, he would be prepared to defend them. Therefore, of course, the noble Lord was prepared, with his Colleagues, to imitate the example set to them by the Poor Law Commissioners. He (Mr. Wakley) did not think the case of the Andover Union was an exceptional case. He believed it had only been selected by accident. The circumstances prevailing in that had prevailed in other unions. And what were the facts educed by the investigation? In the Andover union, the poor had been literally starved. He was compelled to refer to the bone-gnawing, which had there been common. The evidence taken proved that the children had been in the habit of picking up the potatoes thrown to the hogs and poultry, running away with those potatoes, and devouring them ravenously. The most dreadful details had been given; women were shown to have carried their own dead children from the workhouse to be buried. And Mr. Dodson, the rev. gentleman who presided at the board, stated that he had authority for what he did, in the rules and orders sent down by the Commissioners. He said that he had violated no law—that he had only acted in conformity with the law; and he had made that statement apparently without any compunction of conscience, and certainly without exhibiting any sense of shame. The evidence taken before the Committee in reference to the union had been as condemnatory of the Commission as evidence could possibly have been; and he had listened with astonishment and amazement to that declaration of the noble Lord to which he had before referred. The noble Lord had retained the condemned men in the Commission to the present day; and the poor throughout England had had the mortification and misery of knowing that they were still exposed to the control of those whose conduct had been deliberately pronounced by a Committee of the House to have been improper and illegal. They had now to expect that the noble Lord would pursue the course thus condemned. It might have been supposed that the assumption of the odious title of Poor Law Commissioner would have especially been avoided. His opinion was, that the wheels of Government would be clogged, and that the system could not go on. He would not shun putting to the Government questions which, as Poor Law Commissioners, it would be their bounden duty to answer; and, the more frequently such questions were put, the better would it eventually be for the interests of the poor. The Government was about to undertake the management of the dietary in workhouses—to superintend the dietary of the pauper, as it did that of the prisoner in the gaol. This was an affair which might very well have been left to the discretion of the ratepayers; but this would not be granted; and Her Majesty's Ministers would have to decide if a man was to have more or less than half a pint of meal and half a pound of meat per day. If Her Majesty's Ministers decided against a liberal allowance, what would then be the result? The Crown, the seat of mercy, would be in danger of being brought into odium and contempt; and he was sure that in a time of party warfare, no Administration would be able to stand against the assaults they would be exposed to, from their participation in what would be looked upon as injustice to the poor. He did not care what the Government might be. It was impossible that that Government could stand. Could a Ministry professing popular principles maintain such a position in that House with the mass of the population against them? Take the converse of the proposition. Let Ministers decide for the liberal allowance, and what would the niggardly ratepayers say? What would the boards of guardians say, who had always voted against the liberal allowance? They would turn with the utmost hostility against the Government. Consequently, in every board of guardians the materials for political strife would be in constant agitation; and during those discussions the interests of the poor would be entirely forgotten. After thirteen years' experience of the present Poor Law, the Government might have framed a measure that would have given the poor the benefit of law, instead of placing them under a Commission. They should have brought forward a measure for the protection of the poor, with its principles well defined, and its powers well delineated; but, instead of that, they were to be placed under the discretion of a body called Poor Law Commissioners. Why should there not be a Poor Law court established in this country, with a judge of ability and integrity to sit there? and why should there not be an advocate in that court, paid at the public expense, to plead the cause of the poor? If a law were passed with principles well defined, and a court, presided over by an able judge, established, in five or six years they would have such a code of decisions laid down as would save the country from the most enormous expense. At present, however, they had from persons of no authority whatever in law, reports of such a conflicting and chequered character, that any man, even after wading through all their details, would be at a loss to know what was recommended. Such a system must have worked badly for the poor, and it was working badly for the other interests of the country. It was withdrawing the feelings of the rich from the poor, and the feelings of the poor from the rich. It was calculated to spread abroad the belief that that House was hostile to the poor, and that they were depriving them of the benefit of those ancient Acts that were passed for their protection. Let the House look to the mode in which medical relief was administered. From the vast extent of the unions in many cases, poor people had to travel sometimes ten, fifteen, twenty, and even forty miles in a day before they could get relief; yet, in this Bill no attempt was made to reduce the size of those unions. How was that? Could the wealthy Members of that House believe that they were adding to the security of their own lives and property by taking a course so hostile to the interests of millions of the people? The true conservative principle lay in the wealthy, as their first duty, taking charge of the poor. If that duty were neglected, their own security was gone. Why should such an outrageous arrangement exist as to render it necessary for a man to travel forty miles before he could be relieved? Common sense and humanity taught them that if a man was destitute, he should be relieved as speedily as possible; and if an applicant turned out to be an impostor, that he should be treated as an impostor. But, unfortunately, in that House there were many who thought that nearly all the poor who applied for relief were impostors, and that all the ablebodied men who applied for relief were idlers and drunkards. Now, there were thousands of deserving men in this country who had not an opportunity of obtaining their bread by honest industry; and the Act of Queen Elizabeth provided that for such men the parish officers should provide work; but the test of the workhouse was not known in that Act—no such cruel principle was in operation there. The noble Lord might point, as proof that the wants of the poor were relieved, to the large expenditure throughout the country, and say, "Here was an enormous amount distributed every year in alms to the poor." Now, he denied that what they bestowed on the poor was alms. The poor had a right to relief if they were destitute; and no man had a better right to his estate, or any other possessions, than the poor had to this relief. But the noble Lord was mistaken if he supposed that all the money expended was bestowed in relieving the wants of the poor. Was he aware that the establishment charges were enormous, and that in many of the unions they equalled the amount given for the actual relief of the poor? [The hon. Gentleman read a statement from a pamphlet published by Mr. T. Smith, of Liverpool, in which an account was given of the expenditure for the poor and the establishment expenses of the township of West Derby for many years past, the period being divided into cycles of three years each. The statement was in substance that, in the last three years of the Old Poor Law the expenditure for the poor was 3,580*l.*, and the disbursement in establishment charges, salaries, &c., 959*l.* 2*s.* 6*d.*; in the first three years under the New Poor Law, the expenditure for the poor was 3,251*l.* 10*s.* 2*d.*, and the disbursement for establishment charges, salaries, &c., 1,822*l.* 10*s.* 11*d.*; in the second cycle the expenditure for the poor was 4,255*l.*, and the disbursements for establishment charges, 3,064*l.*; while, in the third cycle, the amount expended on the poor was 4,689*l.*, and the establishment charges were 5,333*l.*] It thus appeared that, in the three years immediately preceding the operation of the new law, the charges for establishment were 959*l.*; and that during the last three years, under the operation of the new law, the charges were 5,333*l.* And yet it was contended that this was money expended for the relief of the poor! These were matters that demanded the closest examination; and the Poor Law Commissioners, under this new Act, would find that they had a most laborious duty to discharge, if they looked sufficiently into such accounts. But the object seemed to be to have one commission forming another. The Chief Commissioner of Railways had told them of a commission having been appointed to inquire into the state of a broken railway bridge; and it was no doubt intended that the New Poor Law Commission should appoint several other minor commissions. It would be a breeding commission, and they would soon have a whole family of them. They would multiply fast enough, that was quite certain. The noble Lord, when he advised Lord Althorp not to bring forward such a proposition as had now been introduced, must have been impressed with its unconstitutional character; and he hoped the noble Lord would yet reconsider the course he had taken, and abandon this Bill with more grace than he did the Railway Bill the other night. In such a case as the present, he preferred the advice of practical men to all the mere theorists in the world; and he found that practical men were almost unanimous in their condemnation of this measure, and expressed their astonishment that the noble Lord, who had exhibited so much knowledge on so many subjects, should have brought forward such a measure. A gentleman named Ward, of the parish of St. Luke, who had great experience in the working of the present law, had stated in a letter, which he held in his hands, that this law had unhinged and destroyed the morality and good feeling of society more than any other Act of Parliament ever did before; he stated his conviction that under the Bill now proposed, no Ministry could hold office; and he added, that if Parliament went on with the new scheme, or allowed the law to stand as it was, sooner or later it would end in revolution. The noble Lord saw no signs of revolution. Everything was in that House composed and quiet, and the noble Lord kept his seat without disturbance. Long might he do so! It was with regret that he spoke against the Bill, for he thought the greatest credit was due to the noble Lord for the course he had taken with regard to Ireland. He (Mr. Wakley) had demanded a Poor Law for Ireland more than twenty years ago, and at that time was engaged with others in sending a deputation from the parish of St. Giles to the noble Lord on this subject. The conduct of the noble Lord, therefore, in regard to Ireland, had his most cordial approbation, as well as that of the public; and he now deeply regretted that he should have proposed so impolitic and unwise a measure as the present. Why should the noble Lord press forward a Bill that threatened to be attended with such disastrous consequences to the country? He said disastrous, because it would alienate the minds of the people from the Government; and it was his firm belief, that it would encourage an amount of crime in regard to infanticide that would shock the public if they heard the half of what occurred. Perhaps the noble Lord was not aware that an enormous number of new-born children were now found dead, not only in the metropolis, but in all the great towns of the kingdom; and that the majority of these children were in reality murdered; while, from the nature of the cases, it was absolutely impossible to bring the perpetrators of those murders to justice. Many of these children were examined by medical practitioners, and were by them supposed to be still-born children. It was almost dangerous to publish what he was about to state, but the facts were such that the noble Lord ought to know them; because, as the law stood, encouragement was given to the most atrocious crimes. The sin of such a state of things could not be visited on him, because he had endeavoured to alter the law, and to introduce a more humane system. By the present law the magistrates were not allowed to grant an order for a larger allowance to a woman with an illegitimate child than *2s. 6d.* Such a law was a disgrace to that House, and a disgrace to the public. Now, women, who were the parents of illegitimate children, knowing the dreadful condition in which they must be left with their offspring, in many instances destroyed them, and resorted to the most cunning expedients to protect themselves from punishment. It had come to his knowledge that women were in the habit of resorting to the most extraordinary means to get rid of their offspring. The woman, when pregnant, went to some place at a distance from her home, and where she was not known, and engaged a lodging, and told her landlady that she came there for her confinement, and at the same time she took care to engage a medical man and a nurse to attend her. But what did she do? She took care privately to deliver herself in the silence of night; and when this was done, she made a noise for assistance, and then the nurse and medical man were sent for; but the child was sure to be dead. If any person in the neighbourhood chose to entertain suspicions on the subject, the case might be brought under cognizance of a magistrate; but when he heard evidence to the effect that the woman had engaged a nurse and a medical attendant, and had also informed the mistress of the house of her pregnancy, and when the woman stated that she had been delivered suddenly, and that the loss of her infant was her misfortune and not her fault, he could not do less than dismiss the case. The noble Lord was aware that there formerly existed, in cases of this kind, what was called the hydrostatic test, and the question of the child being born alive was determined by the floating of the lungs. Probably some women had suffered unjustly by the application of the test; but means had been adopted of obviating the application of it. The practice was, in many instances, for women to deliver themselves in water, when it would be out of the question for the child to breathe, so that it would be taken from the water dead; and if the body was examined by a medical man, and the lungs were tested, he would be obliged at once to say, that the child was born dead, as the lungs had never been inflated. What could be done in such cases as this? If 5,000 women had destroyed 5,000 children by such means, there were no means of convicting them. Such were the effects of this law, which he could not help feeling held out inducements for wholesale murder. He had spoken of facts which had come within his own knowledge and observation. The object of the Bill was to continue, on the largest possible scale, the operation of the Commission in its executive and legislative functions, under which such a state of things existed. Believing, then, the measure to be unjust, and fraught with the most disastrous consequences to the country, he should at once move that it be read a third time that day three months. He should take the sense of the House on this Amendment.

MR. FIELDEN supported the Amendment, and condemned the New Poor Law, which he had always been of opinion was injurious to the poor. Wherever that law had been put into operation, the boards of guardians had been teazed and tormented by the Commissioners to carry out their system of relief of the poor in a harsh manner. In Oldham, which was not under the operation of the new law, the poor enjoyed a better system of relief, and at a less expense to the ratepayers, than any place in which that law was in operation.

MR. FERRAND said, as the House was about to give the third reading to a Bill, founded, to a great extent, upon the principle of the late New Poor Law, as it was called, he considered it to be his duty to address a few remarks to the House. Whatever that House might imagine, the country was aware that when the late New Poor Law Bill was under discussion in the House, Lord Althorp gave a distinct and solemn pledge that some of those cruelties and severe enactments and provisions contained in that Bill should not be enforced against the poor of this country. Whether Lord Althorp expected to control the Poor Law Commissioners, it was impossible to say; but he was prepared to prove that of the statements which Lord Althorp made to the House at the passing of the late New Poor Law, every one had been deliberately violated by the Poor Law Commissioners. He would ask the House whether they were aware of the manner in which the evidence was got up upon which that law was founded? Why, commissioners were sent into different parts of the country to inquire into the state of the poor and into the working of the Old Poor Law. These commissioners knew what were the instructions and wishes of the Government, and in what way they could best satisfy the Government; and the commissioners—most of the commissioners—took care that the evidence should be such as would tell against the 43rd of Elizabeth. There was, however, honesty on the part of some of the commissioners; and he was prepared to show that the Government of the day had kept back those parts of their reports in which the commissioners had stated, that, in some parts of the country, the 43rd of Elizabeth had worked well; in consequence of which the New Poor Law was founded upon a one-sided view of the case. He was prepared to assert that the military had been called on to enforce that Bill at the point of the bayonet and the sabre, and that people had been cut down by the soldiers; and the House was now called upon to re-enact this Bill against the feelings of the country, and in spite of the outrages which had been exhibited before the Andover Committee. The Poor Law Commissioners had been crushed to pieces; and when the noble Lord the First Minister of the Crown said he was prepared to justify the Poor Law Commissioners, he believed that noble Lord was the only Cabinet Minister in that or the other House of Parliament who would say so. Who were the Members of that House who had defended the Poor Law Commissioners? The first was the hon. Member for Wolverhampton (Mr. Villiers), who had been one of the Commissioners of Inquiry to overturn the 43rd of Elizabeth, and he was related to one of the Poor Law Commissioners. Another was the noble Lord the Member for London, who was also related to one of the Commissioners, and who had got up and said he was prepared to justify the Commissioners. Who was the other Member? for there were but three. The right hon. Baronet the Member for Dorchester, the late head of the Home Office, who got up and justified Mr. Lewis; and when he did so, he stated that he had been in constant communication with Mr. Lewis, in carrying out the law; whereas, on a former occasion, he had said, he had no power to interfere with the Commissioners, though he did interfere with Mr. Lewis. Why, it came out before the Andover Committee, that the right hon. Baronet was in frequent communication with Mr. Lewis; and that, since 1842, the Poor Law Commissioners were entirely under the direction of the Home Office. What was the treatment of a Member of that House if he performed his duty in opposition to those Commissioners? He alluded to the hon. Member for Weymouth (Mr. Christie). How had he been treated in that House? His conduct upon the Andover Committee had been impugned; he believed it had been termed ungentlemanly — no, that would not be Parliamentary language. He had watched the conduct of that hon. Member on the Andover Committee, and he declared that the hon. Member had done his duty boldly; and the universal opinion throughout the country was, that he had acted the part of an honest, upright, and independent Member of that House, and that the services he had rendered to the country were invaluable. An attack had been made upon the hon. Member for Weymouth for having used a paper in that House against the right hon. Baronet the late head of the Home Office, without giving him notice; and the right hon. Baronet had told the House that the hon. Member for Weymouth had made a most handsome apology to him for having done so, and that he was perfectly satisfied with his conduct upon that occasion. As he saw the right hon. Baronet on the bench behind him, he might refer to his having made use of two documents against him, without giving him notice, charging him with the basest conduct of which a gentleman could be guilty; but the right hon. Baronet had never yet expressed his regret, or apologized to him. If, therefore, the hon. Member for Weymouth was considered to have been actuated by handsome and gentlemanlike feelings in apologizing to the right hon. Baronet for having used a paper against him without giving him notice, how much more necessary was it that the right hon. Baronet should apologize to him for having taken so unhandsome and unparliamentary a course against him? Perhaps he might be allowed also to allude to a statement made at the commencement of the Session by the right hon. Baronet, with reference to a matter now before a court of law. The right hon. Baronet had said that he had appealed to Cæsar, and that to Cæsar he should go; but the prosecution against him had been instituted at the suggestion of the right hon. Baronet. "I suggested to Mr. Lewis," said the right hon. Baronet, "to take counsel's opinion whether the letter was not libellous;" and the right hon. Baronet stated on the 28th of January, that the action would be tried in six weeks. This was the 24th of June; and on Saturday last he learned from his solicitor that Lord Denman had postponed the trial, and that there was no chance of its being taken before December, or, perhaps, February next. Therefore, whether the right hon. Baronet intended to allow the statement he (Mr. Ferrand) made on the 28th of January to remain unanswered until Parliament was dissolved, he left the right hon. Baronet to decide; but he confessed he was surprised that the right hon. Baronet should wish the matter to be postponed, instead of immediately testing its truth. He must now allude to what had fallen from the noble Lord (Lord John Russell) on the second reading of this Bill. The noble Lord had said that statements which he had made to the House were unfounded. He had made no statement which he was not prepared to stand by; there was not one which the noble Lord was able to refute. He had asked the noble Lord upon that occasion what statement he had made that was unfounded? The noble Lord, prompted by the hon. Member for Wolverhampton (the brother-in-law of a Poor Law Commissioner) attempted, parrot-like, to repeat what he had suggested, but he was unable to repeat it correctly. The noble Lord said he had declared that the Poor Law Commissioners delighted in the murder of children. He had not said anything of the kind; this, therefore, was an unfounded charge against him. He would ask the noble Lord whether this was the way in which he should refer to statements made by Members of that House? And were they going to allow this Bill to pass the House without any defence of the Poor Law Commissioners, and without any security that the poor would be treated with greater humanity, and that the horrors they had endured would not continue to be heaped upon their heads, year after year, and the Government interfered not? He would ask the noble Lord, whether the aged and infirm poor, who, after consuming their best years in labour, were unable to work through infirmity or old age, were to be compelled to see their household furniture sold, and themselves cast out of their cottages, and compelled to live in a union workhouse, beyond the walls of which they were never allowed to pass? The House was going to allow this Bill to be read a third time without considering how it affected the comforts, and the homes, and the labour of tens of thousands of the infirm population. Why, even the hon. and learned Member for Bath—who differed from him respecting this Bill, and who had attacked him in a very violent speech, which, however, had very little effect in annoying him—even that hon. Member had said, he was prepared to interfere for the protection of the aged and infirm, and would have them relieved at home. The House, therefore, ought to have some pledge from the Government that they would interfere on behalf of such persons. They had given all the best portion of their lives to labour, and when they became infirm, their cottages were to be broken up, their furniture —their household goods—was to be sold at the poor men's own door, and, with broken hearts, they were to be driven into places which they considered bastiles. What treatment was this? They were stripped of their clothes, too, and put into a prison dress, branded with the name of the poorhouse; and if a husband of threescore and ten was detected in saying to his wife of threescore and ten one word of comfort or affection, he was taken into custody by order of some sergeant of dragoons or discharged soldier, the master of the union workhouse, and confined to the union workhouse cell for so many hours, and kept on bread and water; and there was not the slightest provision in the law to rescue him from such cruelty, tyranny, and oppression. He would ask the House whether the working people must not regard such a law with feelings of disgust? He told them that there were millions in this country who panted for an opportunity of revenging themselves on their oppressors. Where was there a Member of that House who would stand patiently by and behold his parents, who had been guilty of no crime, turned adrift from their dwellings, and despoiled of their property; because they demanded what was their right? Would not such treatment towards a member of the middle classes, or of the nobility of this country, rouse up a feeling throughout the land that would overturn any Minister who dared to support such conduct? But there was no inquiry—no redress for the poor. So far from it, that if any Member, in the performance of his duty, brought their wrongs before the House, he was immediately met by a false and secret document, charging him with acts which, if true, would have been so disgraceful that he never could have appeared in that House again. There had, nevertheless, been a small but faithful band in that House which had fought against the old Poor Law Bill, and had overturned it, although this new measure was intended to re-enact some of its most cruel and disgraceful provisions. What was the treatment it offered to the poor of this country? The hon. Member for Finsbury had truly said that the 43rd of Elizabeth enacted that every parish should find labour for its own industrious poor. But did they do so? If they did, there would be no ablebodied man out of work. But when those industrious men applied to their parish for work, their applications were treated with contempt. During a period of dreadful distress in his own immediate neighbourhood, the board of guardians asked Mr. Mott, the assistant poor-law commissioner, what they were to do with the ablebodied unemployed labourers? "Oh!" said that gentleman, "you must take them into the house." "But," said the board, "we have no place for them." It was then suggested by some of the guardians that the people should be set to work upon some waste land; and an application was accordingly made to Mr. Lane Fox for the allotment of several acres for that purpose. That gentleman immediately granted the request of the board, for a more liberal and nobler-hearted Englishman never existed. The board then applied to the Poor Law Commissioners for leave to employ these men on this land; but what was the answer? "You shall not do it!" They refused to allow the board of guardians to employ these poor men out of the workhouse, and told them that if they gave these unemployed ablebodied labourers any relief out of the house, it would be at their peril, for their accounts would be overhauled. The guardians did, however, give them relief as far as they durst, against the wishes and inclinations of the Commissioners. But in how many unions in England were the guardians prohibited from relieving the ablebodied, except within the walls of the workhouse? On the second reading of this Bill, he was taunted by the hon. and learned Member for Bath with wishing to encourage the ablebodied labourer to live in a state of idleness, and at the expense of the industrious ratepayer. Was this the fact? On the contrary, there was no magistrate in his part of the country who committed so many ablebodied labourers to the treadmill for neglecting their families and refusing to work, when work was provided for them, as he did. Whenever any such men were brought before him, he invariably sent them to the treadmill for a month. But it was the height of cruelty and injustice, when an ablebodied man applied to the board of guardians for work, to tell him that they could not give him work, and that if he wanted relief, he must leave his humble cottage, his furniture must be sold, and he must go into the workhouse, there to live upon a dietary that would so reduce his strength that if he ever left the place he would no longer be an ablebodied man. Such treatment as this would eventually and speedily produce a revolution in this country, if it should be persevered in. He remembered passing through the Strand on one occasion, when he observed a public meeting convened for the purpose of opposing the Poor Law. He attended it. One of the resolutions passed at that meeting was strongly condemnatory of the Poor Law. On another resolution, also condemnatory of the law, being proposed, Mr. Feargus O'Connor moved an amendment, which declared "that the working population of this country could obtain no redress either in that House or out of the House unless the Charter became the law of the land." Now, that charter meant that universal suffrage should be granted to the people of this country. There was a large body of respectable people of a higher grade than that of the working population present at that meeting; but there was likewise a vast assemblage of the working population there; and he believed that eight out of ten of all who were present held up their hands in favour of the charter. What was it, he would ask, that had produced this feeling of dissatisfaction among the working population against that House? Why, twenty years ago they never heard anything about the charter; no nor fifteen years ago. They heard, indeed, a great deal about the Reform Bill, and of the vast benefit it would confer on the people; when the Whigs taught the massess to cry out for "the Bill, the whole Bill, and nothing but the Bill." But what had that Bill given to the people? It had deprived them of their franchise, and given them a New Poor Law. He would distinctly declare that there was a feeling springing up among the masses of dissatisfaction, not merely towards the House and the Government, but towards the laws and institutions of this country. But if this system of tyranny and oppression continued to be practised against them, Her Majesty's Government might depend upon it they would not be able to keep the peace much longer in this country. It was the New Poor Law that produced rebellion in Wales; and what was the conduct of the Government of that day? They were incredulous, and would not heed the signs of the times; and it was not until the masses rose with determination and spirit that the Government was obliged to interfere and redress their grievances. The people, year after year, had petitioned the House, and complained of the grievances they suffered under the New Poor Law, and set forth how much they were oppressed; but their petitions had been treated with silent contempt. It was only by the exposure of the treatment they had experienced from the Poor Law Commissioners that the demands of the people of Wales at length became irresistible; and he would tell the Government, that in a great majority of the workhouses of England there existed at the present day a feeling of resentment as strong as ever was exhibited in Wales. Only the other day he was shown through a workhouse, which was regarded as a model of excellence. A sample of the food was produced, which appeared to be better than what the dietary table allowed. The master was asked whether he always adhered to the dietary table; his answer was, "Whenever I find the poor are beginning to get weakened by my adhering to the dietary table, I add to the allowance; but I take care never to let the Poor Law Commissioners know it. A complaint (said the master) was some time ago made to the Commissioners upon the subject, and an assistant commissioner came down and walked round the walls of the building; but he never came in, and we have heard no more of the matter." Now, he knew not what the report of that assistant commissioner might be in that case; perhaps he would not make any report at all. Then, with respect to the medical treatment of the poor, he would ask Her Majesty's Government whether they were prepared to allow the present system of medical treatment of the poor to continue? There was not a sportsman in England who would suffer his dogs to be treated as the poor were treated by the present system. The remuneration received by the medical officer in many unions, did not exceed 4*d*. or 6*d*. each case. He would appeal to his hon. Friend the Member for Finsbury (Mr. Wakley), whether any medical man could perform his duty to a poor patient at such a shamefully inadequate rate of remuneration? He was once told by a medical officer in his own neighbourhood, that he had in hand the case of a man whose life he could have saved with ease; but it would cost him more than his salary, and therefore the man must die. He would repeat it, the medical officer declared, that by giving the patient medicine he might save his life; but it would cost him his salary to give it. These were the things which sunk deeply into the minds of the poor: they went to their hearts. These were the deeds which the poor brooded over. They talked of them in their workrooms; they discussed them at their meetings; and, above all places in the world, they made them the subject of their discourse at the beershops. The sufferings inflicted on the poor by the Poor Law Commissioners and their tools were the general topics of conversation at those places of resort; and the consequence was, that a spirit of hostility was being generated against the institutions of the country, and was being rapidly imbibed in the minds of the masses; so that, if ever there should be an outbreak in this land, God alone knew what would be the end of it. The next question he wished to be answered by Her Majesty's Government was, whether the children of the poor were to be treated with the same cruelty and oppression as they had hitherto been? It had been the custom to hand over the chidren of the poor to the manufacturers who applied for them. A master manufacturer would send to the master of the workhouse, and say, "I want so many hands for my mills; send me an account of the number you have, their ages, their sex, and their state of health; and I will either come over, or send some one to look at them." The account was given, and the manufacturer went and took stock of the inmates, and the children were then handed over to this master manufacturer, that they might be "absorbed," according to the expression used by the framers of the Bill of 1834 and 1835. And thus, children who were reared in the open fields, and rural villages, were taken from the country workhouses, and sent to the manufacturing districts, where they were speedily used up and destroyed. Was this system to be continued or not? There was very little doubt but the Government would carry the third reading of this Bill by a great majority. The people of this country had come to the conclusion, that it was of no use to have any question in which their interests were mixed up discussed in that House. The Government had a majority at its back, by which they could put a veto on any question which might be brought under discussion; but they had not now to learn that there was another place where those questions could be agitated and discussed, and where the people could bring a pressure from without to bear upon the Government, which they could not withstand. Did the noble Lord, or any of his Colleagues, imagine that they could enforce the worst features of the present Poor Law under the provisions of that measure which was now speedily to become the law of the land? He warned them. There was an agitation out of doors, by which the Ten Hours Bill was carried. For several years he had almost stood alone the advocate of that measure. He was called a madman, an agitator, an incendiary; but he had lived to see men who used those terms against him, advocating that very measure within those walls. He would tell the noble Lord, that with ten thousand times less difficulty than was experienced in agitating the country in favour of the Ten Hours Bill, could a fearful agitation be raised against the New Poor Law. He, therefore, again warned the noble Lord and his Colleagues, and those who attempted to impose upon their minds, what would be the feelings of the people whose rights, property, liberties, and life, would be attacked, injured, and destroyed by this new law. He did not himself wish to become an agitator out of doors. He had always declined becoming such, whenever he could consistently with his duty. There was to have been an immense agitation on the subject of the Ten Hours Bill during the Whitsuntide recess; but he refused to be a party to it, because he felt that the Government were determined to do justice to the working population with regard to that question. It would, therefore, have been unfair and unjust to raise an agitation out of doors. It never took place, and the working population found no fault with those to whom they were accustomed to look up for advice and counsel. He believed that with the exception of the hon. Member for Finsbury (Mr. Wakley) there was no Member of that House who enjoyed a greater amount of confidence on the part of the working population than himself. He had been earnestly entreated by the working classes to watch the proceedings of Government and of Parliament, to ascertain whether either or both were prepared to redress their grievances. But what was the result of his vigilant observation? Why, instead of finding them prepared to do justice to the masses, he saw, even during this debate, that all the petitions and complaints of the working population were treated with silent contempt. The noble Lord and his Colleagues in office had shrunk from all discussion, and had suffered the question to be disposed of in silence. The only notice taken of anything that had been advanced by the advocates of the people was the declaration of the noble Lord the First Lord of the Treasury, that his statement was unfounded. They were a Parliament that had ceased to represent the people. They had deprived the people of the franchise. Before the Reform Bill was passed, the people directly returned 120 Members to that House; but in the course of a very few years hence, they would not have the privilege of returning one. Let him remind Her Majesty's Government that they were now about going to the country. They would have to meet the people at the hustings; and then let them remember that there had been discussed at the close of this Parliament a question virtually affecting millions of their fellow-countrymen, and that this New Poor Law Bill was introduced because they durst not attempt to enforce the present law. But in this Bill there was not the slightest provision made to redress the grievances under which the poor had groaned for the last thirty years. They were to be handed over to irresponsible Commissioners, and to a central authority sitting in London. The poor would still have to walk sometimes even thirty and forty miles to ask for their rights, for the unions were to remain at their present outrageous size. The relief was to be administered according to the same system, and their medical treatment was to continue such as no gentleman would have applied to his dogs. The aged and the infirm were still to be compelled to go into the workhouse, husband and wife still to be separated, and their children to be torn from them. And Her Majesty's Government were going to the country after having passed such a Bill as this! He envied not the feelings of those who should vote for this measure when they would have to stand face to face with their constituents. The Liberal party in that House were ever ready to call themselves the representatives of the non-electors as well as of the electors. But did those hon. Members believe that this Bill would ever pass if the Parliament had been returned by universal suffrage? He was aware that the Poor Law Commissioners appealed to the selfish motives and feelings of the ratepayers. The burden of their song was—"We have saved you millions of money." They had saved nothing, but they had robbed the poor, oppressed them, ay, and starved them to death. He made that assertion upon the authority of verdicts repeatedly given at coroners' inquests. If those verdicts were to be a guide to the public, given as they were upon mature deliberation, and after a full inquiry into the cause of the deaths of the parties; and if it appeared that such deaths had taken place in consequence of the treatment inflicted upon the parties by the officer acting under the direction of the Commissioners, then he was justified in saying that, under their authority, and by their direction, the poor had been starved to death. Why, it was nothing else but murder! [Sir J. C. HOBHOUSE: Do you mean that this has been done by order of the Poor Law Commissioners?] He would give a case in point. He attended a coroner's inquest in the case of a woman who had died from want. He was present when the jury returned from viewing the body. In answer to the coroner, their reply as to the state of the corpse was, that "it was nothing but a bag of bones; horrible to look at, and dreadful to contemplate." The daughter of the woman was examined. The child was greatly distressed, and could hardly give her evidence. She said she had gone to the relieving officer, and asked him to give her some food for her mother; but he refused. The relieving officer admitted the truth of this statement. The coroner immediately asked him—"What have you to say for your conduct?" The officer here, in a most insolent manner, put his hand into the pocket of his shooting jacket, and pulled out the authority of the Commissioners, and holding it out he exclaimed, "This is my authority." By that document it appeared that the relieving officer was directed not to cross the line of a certain boundary to relieve any person who belonged to the union immediately beyond that boundary. It happened that this poor woman did not live a dozen yards from the boundary which divided the unions. The coroner observed that the woman had been starved to death; and the jury said she had been murdered. "But," said the coroner to the jury, "this officer acted under the orders of his superiors, and he cannot be touched." The verdict was, "Starved to death!" He said that the woman was murdered. He repeated that statement in the House; he never stated out of doors what he was not prepared to repeat within these walls; and he repeated there as a Member of that House that this woman was murdered. How long would such things be suffered? Might not the other bonds which united society together in this country be in a moment snapped asunder, if such oppression and tyranny to the poor were sanctioned by Parliament, and authorized by Government? It was said that he used violent language; but it must be recollected that the tyranny inflicted on the poor was violent; and let him tell them that a disease like this required a serious and violent remedy. He was attached to the institutions of the country; he had been a Tory all his life as well as a loyalist, and he was prepared to sacrifice his life for the good of his country; but he would never be a party to the oppression of the poor, and then expect loyalty from them. If he was a poor man, and saw his wife separated from him, his children torn away, and his home taken from him, would not his blood boil within him? Must he not protest against such conduct, and would he not care little whether there was a revolution in this country? He would pray for a revolution; and, since any change must be for the better, he would pray that it might be accomplished. The poor were dying of starvation now in Yorkshire and Lancashire to a fearful extent; and he had been told by a contractor for coffins in one of the unions, that during the last few weeks he had placed in coffins twenty or thirty bodies of those who had died from starvation. The masses had never been in such a degraded state as they were now since England had been a civilized nation; year by year their condition had become worse; year by year they had suffered greater oppression and tyranny: against such treatment they would at last rebel. The poor were driven to rebellion in Wales, and then the Government redressed their grievances; and he implored the House to redress the grievances of the poor now, while there was yet time, or it would be too late; and the country would not be righted without going through the fearful ordeal of a revolution. For these reasons he was proud to second the Amendment of the hon. Member for Finsbury.

Mr. ROEBUCK was almost ashamed to address the House upon the present occasion after they had listened to two hours of declamation on a matter which was not before the House, for really the matter for the consideration of Parliament was the distinct proposal before them, and not the whole statute. What the hon. Member for Finsbury proposed was, that the Bill should not pass; but from the large ground he had taken, it would be supposed that they were discussing the whole question of the New Poor Law, whilst they were only really discussing the one particular portion of that law which created a Commission to regulate the administration of the law; and what they had to determine was, whether Parliament should revise that part of the law, and to decide the mode in which hereafter the Commissioners should be appointed. The hon. Member for Finsbury, indeed, had fairly stated what the Bill was; it related, in reality, only to the appointment of the Commissioners; it repealed so much of the present Act as related to the Commissioners, and placed power in the hands of three Commissioners; and it made one real Commissioner, and put with him certain nominal Commissioners, after the fashion of the East India Board of Control: there would be only one efficient Commissioner, who might, if he could get it, have a seat in that House. That was the Bill before the House, and it transferred to the Commissioners so appointed the power which, under the old Act, the present Commissioners possessed. The only question for discussion was the constitution of the Board, whether by this Bill it would be rendered more efficient, more responsible, and more efficient in its intellectual and moral condition. That was the legitimate question for discussion on the present occasion; but the hon. Members for Finsbury and Knaresborough—and he must class them together in that respect—though their manner and matter were very different, went much beyond this question. He thought that the hon. Member for Knaresborough had gone beyond the proper limits of the present discussion when he dragged in the whole administration of the present Poor Law. This was not the time to discuss the whole of that law or the law of the 43rd of Elizabeth. He would, however, in half a dozen words state why he should vote for the third reading of this Bill. There had been mistakes; no doubt, there had been the most perfect intention on the part of the Commissioners to do their duty; but in his opinion, much mischief had arisen from the mode of carrying out the law. He did not think that the charge could be fairly made against them of adhering strictly to the enactments of the law; the complaint really was of their vacillation, of not pursuing what they really thought to be right, and of listening too much to the cavils of Gentlemen within those walls, and of the press out of doors; it was not to the Commissioners that he attributed any harshness, but he blamed them for yielding to the pressure without and within those walls. He thought, that in the place of Commissioners who were not in that House to defend themselves, and who were assailed without the opportunity of meeting their assailants, if there was one Commissioner in that House liable for the administration of the law, and who could be questioned at all times by Members of Parliament, they would see with regard to the Poor Law what they saw with regard to the administration of the affairs of India. He saw the right hon. Baronet (Sir J. Hobhouse) enjoying that quiet, calm, and peace of mind, which was unknown to the Poor Law Commissioners. When he saw the violence, the vituperation, and the phrases in which the hon. Member for Knaresborough discussed the conduct of the Poor Law Commissioners, and held them up to anything but the admiration of the House—when he saw this position of the Poor Law Commissioners, and beheld the happiness of the right hon. Gentleman (Sir J. Hobhouse), who sat smiling before him, he could not but think that the one was a very enviable position compared to the other. Yet the right hon. Baronet was the successor of those who once governed India, and who had been in the same situation as the present Poor Law Commissioners; the only difference was, that the right hon. Gentleman's predecessors had to withstand the magnificent eloquence of Burke, whilst the Poor Law Commissioners had to meet only the words of the hon. Member for Knaresborough. There was a wonderful difference in the intellect and the capacity of the assailants, whatever difference there might be in their miseries otherwise. Under the proposed Bill all violent declamation for purposes which he need not stop to describe would fade away; and why? Because, the moment a charge was made, an answer would be given; the people would not be satisfied to see charges made, which when made, were readily answered; and they would not find hon. Members ready to hazard them as they had done. They would not see in the columns of the newspapers anonymous slanders, anonymous imputations, and lies; hon. Gentlemen on that or on the other side of the House would make their attacks upon an officer of the Government—if the answer were not ready, Parliament would punish the offender; but if the answer were ready, and if the accusation were false, that false accusation would recoil on the head of the accuser, and justice would be done. That would be the result of the Bill then before them; and that being the case, he was prepared to vote for this alteration of the law. The hon. Member for Finsbury himself admitted that a change was necessary; and he was too wise and too honourable and straightforward not to see that vituperation would be repressed if the answer came directly after the charge. That was the ground why he voted for this Bill. Here he might leave the whole subject, and he doubted whether it would not be wise and discreet if he did so; but the situation of a Member of Parliament was very influential; speaking on the floor of that House his words resounded through the world; and, though the person from whom those sounds came might be utterly worthless, and though his accusations might be wholly unfounded, and vile and calumnious, unfit to be refuted, yet the very fact that they were made by a Member in his place in that House gave to the speaker an influence throughout the world so important that he could not refuse to proceed to answer them. Upon that ground he condescended to make some remarks on the observations of the hon. Member for Knaresborough. Now, the charges brought by the hon. Member he would put in the order of their hideousness rather than their truth, or the position in which they were uttered. The first charge made against Commissioners holding office under the Crown was, in so many words—there was no circumlocution about it—that of murder. He made no exaggeration; the House would see that he controlled his words. The charge was that the Commissioners had murdered the people of this country. Was it then becoming in them—was it becoming in the Commons of England, to hear one of their body—endowed with all the functions of a representative of the people—come forward and make such a charge against three high Officers of the Crown, and take no pains to ascertain the truth? because it would go out that a Member of the House of Commons reiterated the charge; he said that he knew what he was about, and asserted that the people of this country had been murdered by the Poor Law Commissioners. Nay, he went further: he said that he knew the case of a medical officer—and here he entreated the attention of the hon. Gentleman (Mr. Wakley), who belonged to a generous profession, which was the solace of mankind, he meant physic and surgery—the hon. Member for Knaresborough said he knew a professional gentleman employed under the Poor Law, and employed for the medical relief of the poor, who said that he had seen a pauper patient, who might have been saved from death, but that man, though employed under the law, would not administer the medical relief which, under the law itself, he was required to do, because the medicine would cost as much as his salary. Now, upon this he founded part of the charge against the hon. Gentleman of a grave delinquency: if the charge were true, he laid at the door of this medical man, whom he did not name, but whom he indicated, an accusation of manslaughter, and almost of murder; and if the charge were not true, the hon. Member laid upon his own character and upon his own soul the greatest weight which it was possible to contemplate. He would fix the charge upon him; and in the name of the Commons of England he demanded the name of that officer who had thus contravened his duty, and been guilty of an offence, so stated in the face of the Commons of England. It was declared by law that every man who was a surgeon to an union was bound to administer medical relief; and if any medical man, being surgeon to an union, told the hon. Member, what he said he did, that medical man asserted a falsehood, for the law did not require him to pay for the medicine, as that would come out of the poor rates, and would form part of the legitimate expenses of providing for the poor. Again, he said, even if—and let the House mark the conjunction, and all his phrases, and how he put them—if the medical man said it—even if he did—how came it that the hon. Gentleman, who was himself a magistrate, and who said that he administered the law with that promptitude which might almost be called guilty—how came it that he did not cause an inquiry to be made into the circumstance?—and how came it that the hon. Member stated this as one of the grievances of the people from the law. "See," said he, "what the law requires of medical men; yet here is one who stated of a dying person that he would not administer the relief which by law he was compelled to do;" and yet he laid this as a crime against the law. The next instance of the hon. Gentleman was also one of "murder"—it was right to keep that word distinctly before the House. The hon. Gentleman said, that in his neighbourhood a poor woman died, as the coroner's inquest decided, from starvation. What, then, was the object of the hon. Gentleman? What was the subject which he had to prove? And how did he attempt to prove it? The thing to be proved was, that the Commissioners murdered this woman. A person was murdered—the hon. Member did not state her name, but only that she died in his neighbourhood—that was the subject of the crime—who did the murder? The criminals were the Poor Law Commissioners; and how did the hon. Gentleman bring it home to them? The child of the woman applied to a relieving officer, and this officer refused it in obedience to a general rule of the law—it was an order issued by the Commissioners, and he admitted that it had become law, in consequence of its having been so issued and approved of by the Government and by the Parliament; for he must remind the House, that the orders were laid before both Houses, and were tacitly sanctioned by Parliament, if they were not overruled. It was said that, by this rule, relief could not be given beyond a certain district—he was taking it as proved that the rule was as the hon. Gentleman laid it down, though, among the many figments of his brain, might be the figment of this order — well, he would suppose the order said that the relieving officer should not give relief beyond a certain boundary. It appeared, then, that the child applied to the wrong officer; but, because the child applied to this wrong officer, there was no reason why she should not have applied to the right officer. Hunger did not kill at the instant like the sword, or prussic acid, or poison; and, even supposing the law was as it was alleged to be, there was time for the child who had gone to the wrong relieving officer to go to the right. He asked the House— he asked his countrymen, whether that was evidence upon which to charge three officers of the Crown with murder—they sitting in London, and the transactions in question having occurred in Yorkshire? And yet that was the sort of charge brought forward by a man holding the high position of Member of that House; and that was the sort of evidence upon which that charge, the highest except high treason, was brought forward. If there were shame in any bosom, would it not be aroused when so unjust, so unfounded a calumny was uttered against three public men? But he could not help quarrelling with the mode in which the hon. Member for Finsbury had criticised the law. The hon. Member had a right to take advantage of the knowledge which his profession gave him; his mind was naturally turned to those awful calamities which had occurred, and to which he had alluded; and the hon. Member came, as he trusted they all did, to consider the details of the law with the knowledge he possessed for the benefit of the community. But what was the charge of that hon. Member against the law? The hon. Member for Knaresborough said, that the bastardy clauses were the cause of the rebellion in Wales. The hon. Member for Finsbury said, they had led to very great and miserable calamities in the shape of murder. Neither was induced by the operation of this law; and he hoped the House would pardon him if he endeavoured to show that the hon. Member for Finsbury had entirely mistaken the operation of the law, and that the calamities he lamented had not arisen from it. [Mr. WAKLEY said, what he stated was, that he feared that that was the operation of the law.] He was glad to hear that admission; but none knew better than the hon. Gentleman himself how difficult it was to trace the causes—the multitudinous and mysterious causes—of crimes that occurred. But he would remind the House of one of the cases put by the hon. Gentleman. It was this: an unmarried woman became pregnant; she took a house or lodgings; she engaged a medical man; she engaged a nurse; and yet, at the time when the labour came on, she was delivered alone; and the hon. Member then described what took place, and how medical skill was baffled by the machinations of that unhappy person. But did not every description given by the hon. Gentleman mark that those persons were not paupers? What was it that had driven them to those crimes? It was not the law that overcame the feelings of the mother—it was not the bastardy clause: it was the rigid rules of the society in which they lived; the shame that would come upon the mothers; the brand that would be fixed upon those who had yielded—unfortunately yielded—to the temptations of the seducer. This was a painful subject to treat of at any time; and he would not have dared to speak upon it, if he had not been dragged into it by this discussion, though he did not say that the discussion was improper; but he thought he had given the hon. Gentleman opposite reason to doubt the truth of the conclusion he had drawn; and that, out of doors, it would be seen that every instance he had adduced was not one that resulted from the operation of the law. He had seen much of the administration of the law. He had seen many poor women who had destroyed their offspring; and yet it was not from want, but from shame. "But," said the hon. Member, "it was the feeling of dislike to go into the poorhouse, and to be subject to the regulations of the poorhouse during the time of labour, that drove the mother to those crimes." If he knew anything of human nature, and of the nature of women, it was not that species of pain that governed them. A woman without shame would not think of anything but relief; and she would know that the poorhouse was the best place and the most comfortable for her at such a time. Now, what were the bastardy clauses? They first pointed out the way in which the putative father was to be fixed with the care and maintenance of the child; and he was prepared to stand up for them; and if a woman, being a pauper, demanded the assistance of the State when she was in a condition of pregnancy, if she had committed a breach both of morality and law, and asked the State to aid her in her hour of travail, he thought the State could not be accused of cruelty if it said to her, "You shall come within the poorhouse, where you shall receive the best medical advice, the most nutritious diet, and all the care which can be afforded you." That was what the bastardy clauses provided; and he was prepared to stand up for them. He declared from his own intimate knowledge, as far as that knowledge extended—and it extended to a good number of cases—that that was the fair treatment of women under those circumstances, and that the State was not chargeable with cruelty for that part of the Act which related to bastardy. What, then, the hon. Gentleman complained of—and complained of with many others—was, he supposed, the evidence upon which the putative father of the child was fixed. If there was one thing more than another carefully considered in the evidence upon which the Poor Law was framed, it was the evidence connected with the bastardy clauses; and such scenes were opened up of constant attacks upon the most pure and virtuous of the community; persons were so open to calumny—so open to accusations—when entirely innocent; that it was necessary to make some attempt to rescue the unoffending from the charge of being putative fathers of children that too frequently destroyed the peace of families, and made hundreds of the community wretched. The Act, therefore, provided that the woman's oath should require some corroboration which should be sufficient, in the opinion of some justices of petty sessions, to charge the father. He had now done with the bastardy clauses, and the wholesale evils which the hon. Member for Finsbury had attributed to them. Upon turning to the Act of Parliament, he found that, for the first six weeks, the woman was to be allowed *5s.* by the magistrates, and *10s.* for the nurse, and not *2s. 6d.*, as the hon. Gentleman said. If she remainad outside of the House, then the maintenance of the child was to be *2s. 6d.* But he did not believe that any person would assert that the diet of the workhouse was as low as the food of the agricultural labourer out of doors. He should like it to be fairly put before the world—and he would place his authority against that of the hon. Gentleman opposite—and say, that from his knowledge of the habits of his poor countrymen, of whom he employed many, ay, and many women who were suckling children, who laboured honestly and industriously outside the poorhouse, living upon their own and their husbands' earnings, that they were not so well fed as she who was the mother of an illegitimate child, and was within the walls of any poorhouse. He ought to conclude; but there were some one or two statements made by the hon. Gentleman the Member for Knaresborough, which he would not leave without observation. He was sure the hon. Gentleman did not know the meaning of the word "absorbed." The hon. Gentleman spoke of the agricultural population being "absorbed" in the manufacturing districts. Now, was that the fact? In the southern counties of this country it was supposed that there was an overabundant population, living upon low wages; and it was suggested by the Poor Law Commissioners, that if some of those persons, instead of going to America—and he would, in passing, observe that the friends of colonisation in that House were never accused of hard-heartedness in bringing forward their grand plans and schemes—that if, instead of going to America, South Australia, the Cape of Good Hope, or New Zealand—if, instead of traversing half the globe, they would put themselves into a railway train, and go to Lancashire, there being there a demand for labour, they would (to use the somewhat metaphorical phrase of the hon. Gentleman) be "absorbed." So that, instead of getting but *8s.* or *9s.* a week, they might get *28s.* or *30s.* That was the dreadful crime of absorbing with which the Commissioners were charged—that was the direful accusation which the hon. Member had made more than once, and at the non-effect of which he himself was the only person that was startled—the hon. Member said the Poor Law Commissioners absorbed the poor. One would have supposed that they had swallowed them. But there was another charge made by the hon. Gentleman. The hon. Gentleman said, and said truly, that the general regulation of the law respecting out-door relief was unnecessarily strict; and he (Mr. Roebuck) should be prepared to move, at a proper time, that out-door relief should be afforded to the aged and infirm. But the hon. Gentleman had mentioned the case of a man of threescore years, having a wife as aged as himself, who, for speaking a few words of kindness to his aged partner, was, in fact, incarcerated in a cell and fed on bread and water. In his conscience he believed that no such case had ever occurred. If the hon. Gentleman could not prove it, he was doubly guilty. He should have proved it long ago. He should have gone to the Poor Law Commissioners and have pointed out the case; and then, indeed, if the Poor Law Commissioners had not dismissed the cruel officer, the hon. Member would have brought home to the Commissioners something like an accusation of cruelty. But had the hon. Member ever done so? Did he know of any one particular case? If he did, he had been very guilty in not having long ago complained of it. If he did not, then, as Parliamentary phraseology did not suggest to him an appropriate epithet for the conduct of the hon. Gentleman, he would leave it to the imagination of hon. Gentlemen to supply it. But, said the hon. Gentleman, the people ought to rise in rebellion against this law. He (Mr. Roebuck) believed that the people of England had not so much faith in the hon. Gentleman. The hon. Gentleman went wandering about the country stating his opinions upon the Poor Law in all combustible places; but the hon. Member, never amongst all that excited population, could find any electors to bring the hon. Gentleman forward to represent them in Parliament. If anything could show the value of his authority, it would be his being returned to Parliament on the shoulders of the people. He understood that England was to be relieved of the hon. Gentleman's presence, and that Dublin was to be honoured with it; and he would only add, that carelessness of assertion and wildness of accusation were to the English people extremely distasteful, as marking either a deficiency of intellect or a want of the love of truth.

Mr. FERRAND, in explanation, said that, in making the statement he had made about medical officers, he was anxious to show that the pittance they received was so small that it was utterly impossible for them to attend to the poor. The authority upon which he made that statement was the answer that was given by Mr. Guthrie, the eminent surgeon of London, to a question that was put to him by the Committee on the 6th May, 1844. The question was to this effect:—

> "Are the Committee to understand that your objection is with reference to the want of knowledge on the part of the medical officers that the poor cannot be properly attended to?" and the answer given was, "No; but that even if a man were properly qualified, he would not be able, from the smallness of the allowance, to do his duty. No respectable man would take the office, except for the purpose of keeping out an interloper, and then he could get the duty done by an assistant."

Mr. HENLEY stated, that certain sums were agreed upon in certain cases, as for medicine and attendance; and he could undertake to say that in many cases the amount so paid was insufficient; that the medical gentlemen who attended the poor were not able, out of the small sums allowed them, to supply the necessary drugs; and that this was most especially true in those cases which required the administration of expensive drugs. In the early part of the present evening, Ministers seemed to say that they felt an insuperable objection to those alterations in the measure which some hon. Members had suggested; but, looking at the notices which stood upon the Paper, he could not help observing that the Government themselves had manifested an intention of proposing very considerable alterations. If it were competent to the Government to do that, he saw no reason why it should not be done by individual Members. It ill became the Government to object to that of which they themselves set the example. As to that part of the measure which related to bastardy, he must be permitted to say, that, though the hon. Member for Bath told them that he was well acquainted with human nature both in man and woman, yet he had omitted to bring under their notice one fact, the importance of which certainly entitled it to their full consideration—he alluded to the great increase which had taken place of late years in the crime of child murder. No man with the least knowledge on the subject could doubt, that, since the law of bastardy had been altered, the crime of child murder had greatly increased. Whether the cause was a fear of the workhouse, or a sense of shame, there could be no doubt of the fact. Now, when the increase of the crime happened to be concurrent with the alteration of the law, he did think that nothing could be more natural than to suppose that there existed some connexion between the two events. He was not singular in supposing this connexion to exist; for two or three years ago, so great an outcry was raised upon the subject, that the Government were obliged to alter the law, and to give the mother of an illegitimate child a civil remedy against the putative father. Many people thought, and apparently upon very good grounds, that child murder in many cases resulted from unwillingness on the part of the mother to enter the workhouse. The putative father frequently went out of the way; the mother, foreseeing that all expenses must be borne by her unless she killed the child or went into the workhouse, usually resorted to the former expedient. Thus a vast number of crimes were committed; and where children were not killed, they were generally placed out at nurse, upon some such small stipend as usually proved insufficient for their support; they therefore dwindled away, and died prematurely; therefore life was destroyed by the one mode or the other. The subject was one which he admitted it was exceedingly difficult to deal with. On the one hand, they ought to take active measures to prevent the crime of child murder; on the other hand, they ought not to encourage immorality and vice. As to the treatment which mothers received during "the month" in the workhouse, it was usually so good that it might be considered a premium on vice; they were placed in the medical ward, and enjoyed many comforts which they could not obtain outside the workhouse. Still, young women who had illegitimate children were most unwilling to seek for parish relief, and rather than receive it, would commit almost any crime. With these few words he should content himself, having on a former occasion addressed the House at considerable length. He conceived that Parliament ought to make the law so that local authorities might administer it; and that the Government ought to inspect its administration. Upon these grounds he should support the Amendment.

Captain PECHELL said, that, as they were now called upon to take leave of the present Poor Law Commissioners, he could not avoid giving them most cordially his "farewell." He hoped that the Government had no intention of proposing any of these gentlemen members of the new Commission, inasmuch as he thought it would be a most unfortunate step on their part. He must express his deep regret at the way in which Mr. Chadwick was treated. That gentleman gave the most valuable assistance to the Poor Law Commissioners, and had furnished them the means of carrying out the law with effect. Notwithstanding this, the right hon. Baronet the Member for Dorchester went so far as to say, that, though he was capable of affording the most important service, he was unfit for the situation he held, and ought to be placed in some other position. The grossest injustice had been done to this gentleman, after exhibiting such talent, zeal, and ability in the discharge of his duties. What redress was this gentleman to have for being called an unscrupulous and unfaithful servant? Mr. Parker was also a gentleman that had acted with great zeal and ability in the discharge of his duties—a fact that the Poor Law Commissioners themselves were obliged to bear testimony to; he also was an example of similar bad treatment. He thought that they should refuse their consent to this Bill, if any of these Poor Law Commissioners were to be retained in the new Board. They ought not to refuse the expression of their opinion as to the mode in which these two gentlemen had been treated. It was impossible, after the evidence that was heard before the Andover Committee—it was impossible, he thought, that the Government could propose the retention of the present Poor Law Commissioners as members of the new Board. He should consider it to be his duty, unless he received complete satisfaction of the entire exclusion of these gentlemen from the new Commission, to give his vote in favour of the Amendment of the hon. Member for Finsbury.

Mr. BORTHWICK was understood to say that, inasmuch as this Bill made the new Board more responsible to Parliament, it was, no doubt, to that extent, an improvement upon the existing law. But that House had a right to say to the Government that it expected a much fuller and more extensive change of the law than was proposed in this Bill. It was a fair question for the hon. Member for Knaresborough, or any other Member, to raise, that this Bill did not go by any means far enough in applying the requisite remedies to the present law. It was one great evil of the present law, for instance, that medical attendance in the workhouses was supplied by contract; and he entreated the right hon. Gentleman the Home Secretary to consider whether, even now, some remedy for this evil might not be made. The hon. and learned Member for Bath accused the hon. Member for Knaresborough of exclaiming generally against the Poor Law; but the hon. and learned Gentleman himself ran into the extreme of so speaking of the law, as to make the people believe that it was the opinion of that House that the law was perfect. The hon. Member for Bath had talked about separation; and on that point he would narrate cases which had fallen under his own personal knowledge. In a country union a labourer passed an honest, sober, and laborious life; he married, and had one child, a little girl, who was nine years old when his wife died. He took into his house the sister of his wife, who took charge of his home and his child for some time, until at length disease overtook him, and obliged him to have recourse to the union for relief. The workhouse test was applied, and the man and his child went into the house, while the aunt of the child obtained a service in a neighbouring farmhouse. The workhouse was supplied with milk, as it chanced, by the very farmer in whose service the child's aunt was; and by that means she accidentally learnt that her brother-in-law and niece were both dangerously ill. She applied to a particular friend of his, a county magistrate, for an order to see her brother-in-law; but he, having declined to act as a guardian, had no power to give such an order. She then went to another friend of his, the chairman of the board of guardians; and he also had no power to give such an order without the sanction of the board, which had sat that very day. If she could attend the next meeting on the following Tuesday, just six days afterwards, she might then get an order. Well, she did attend, obtained the order, and was admitted into the house, when she found her brother-in-law dead, and the child dying. The father had never seen his child when on his death-bed; and the sister and aunt would never have seen either alive but for an accident. That was the evil that hung over every working man in England under the existing law. The supporters of that law admitted the evil, and appointed the Commissioners to remedy that and others; but why not give to some well-defined system the force of law, and leave the Commissioners no choice but to execute it—no power to depart from the principle the House itself had approved? This observation applied also to the clauses about to be proposed by the Government and by other hon. Members, of which notice had been given; but he would ask the House to consider whether it was safe to allow its imagination and fancy to be led away by the eloquence of the hon. and learned Member for Bath, when he declaimed against declamation, and held up the hon. Member for Knaresborough to the odium of the country and of the House as a seeker of popularity? If they were to enter into the question of motives, might not popularity, or something more valuable, be found to influence the conduct of the hon. and learned Gentleman himself? He would not, however, condescend, though opposed to the hon. and learned Member for Bath, to seek after his motives. On the contrary, he gave him credit for perfect sincerity, and believed him to have an honest and hearty sympathy for the working classes, though he was unconsciously fighting against their interests, and doing them irreparable injury. But he protested against the hon. and learned Gentleman attributing unworthy motives to those who differed from him in opinion; and could not allow his right to school the Members on his (Mr. Borthwick's side of the House. He would not have risen at all but for the remarks of the hon. and learned Gentleman; and he had said enough to show that every fact to which the hon. and learned Gentleman had alluded, he (Mr. Roebuck) had misapprehended, and that every argument he had addressed to the House had answered itself.

Mr. BANKES said, that it appeared to him convenient to discuss at that stage of the Bill the clauses of which the Government had given notice. [Sir G. Grey: They are not yet before the House.] They were printed; and he maintained that they must be discussed, as an essential part of the Bill.

Mr. SPEAKER said, that the clauses to which the hon. Gentleman alluded could not be discussed until the third reading.

Mr. BANKES would then discuss the Bill as it stood, though he must state that that was not the Bill. He must also be allowed to state that the course the Government had adopted in introducing the Commissioners first, and then fixing their duties afterwards, was highly inconvenient. With the warning of the Railway Commissioners before him, he must request to be informed what were the duties they meant to assign to the officers they now proposed to create? It was not at all fair or right to call upon the House to pass Bills appointing a large staff of officers without knowing what they were to do, and what they were to be paid; and for these reasons he thought it highly inconvenient this course should be proceeded with. This subject was not first raised by him; it had been alluded to by the hon. Member for Finsbury, who commenced the debate, and who very properly said that it opened the consideration of the whole Poor Law. The hon. and learned Member for Bath had taken him to task, and had been pleased to say—and he (Mr. Bankes) must say that he laid down rules for the House with a sort of semi-official authority—that it was the mere form or outline of administration or jurisdiction of the law, and nothing else. But if they were to believe the Home Secretary, that was not the case. In the Bill before them other Bills were embodied, after the fashion of the Health of Towns Bill, which swallowed up the Towns Improvement Act and others; and the question they had to consider was not only "what do you propose," but "what do you omit to propose?" In his opinion the proposition now made opened the whole question. It was true that it was stated "This is for the administration of the law;" but it was also for something else. All those clauses which they were forbidden to touch upon that night, though they were printed, must hereafter be discussed; and though it was said that they were then upon the administration of the Poor Law only, it would, when they came to that part of the subject, become of greater importance, because the question would change from the administration to the administrators. The hon. and learned Member for Bath had pointed to the merry countenance of the right hon. Baronet the President of the Board of Control, and hoped to see another equally merry face in the President of the Poor Law Board. And here he must remark that it was not the creation of one additional placeman in that House, for the Bill expressly provided for two. As he had said on a former occasion, his constitutional objection to the measure was not with reference to the power of the Crown, but from his fears of the power of party; and he did strongly object to the accession of two more placemen to the strength of any party in that House. The hon. and learned Gentleman had drawn a contrast between the office of the Board of Control and the proposed Poor Law Board. The hon. and learned Gentleman was not so well acquainted with the office of President of the Board of Control as he was, for he had once the honour of being Secretary to the Board. The President of the Board of Control was not a legislator or maker of laws; he was what he professed to be, a controller only of those who did make them. There was a wide difference between his duties and those of the office now proposed. The Poor Law Administrators were still to have the power of creating laws out of that House, in the very chambers of Somerset House, in which they had been made hitherto, and which had been so widely, so universally complained of. They were to be Members of Parliament; and, instead of that doing away with the necessity of their making laws in Somerset House, that they might propose them in the House of Commons, and leave that House to decide upon them, the Bill continued the power of making laws at Somerset House. This was widely different from the Board of Control; the hon. and learned Member for Bath seemed to forget that in his contrast. The President did not make laws: they were submitted to him for his correction; he might give advice, but he could not make laws. There was, therefore, no analogy between the Presidency of the Board of Control and the office the Bill proposed to create. He could not help expressing his surprise at the form of the proposed Commission. It was very well for the government of the distant Hindoo, but not for the English poor. No one had explained that from first to last. It was most obvious that this was the creation of a new Secretary of State, like that for Ireland, and subject to the Home Office. But why did they not give this greater power to the local authorities? and if there must be a President, let him control those authorities. He would throw the trust where it ought to be placed; he would cast the responsibility on the shoulders on which it ought to fall. He did not believe the gentlemen and yeomen of England would be afraid of that trust; and, if trusted, they would act in a manner worthy of them. It was because they were not trusted—that no confidence was reposed in them—that instances such as that of Andover occasionally occurred. If they were trusted, and the measure did not work well, Parliament would at least know where to throw the blame; and if the system did not work, they would know how to try something else, and something surely which would exhibit greater difference in feature and form than the old Poor Law administration, and the one now proposed. The present proposition was so near the old law that the distinction could hardly be discovered: there was nothing essentially different—nothing but the name. What did it signify whether commissioners or president and secretary were the terms used, if their functions were the same?—if they were still trusted with the same dangerous and obnoxious power of having legislation in their own hands? That was the part of the law to be corrected. These were the feelings he entertained with regard to this Bill; and when the hon. and learned Member for Bath said the sole question was between the law now proposed and the old one, he must tell him it was no such thing. The question was, rather, whether the House could not find some third system better than either; and he must say, that the Government had a great responsibility upon it, to give the House so cruel an alternative, between a system which everybody condemned, and another with hardly any difference. That was the predicament in which the House was placed by the Government. The opponents of the old law were guilty of no procrastination. They asked at the earliest period of the Session what the Government intended to do; and they were told that some essential alteration in the law would be made. The Government even hinted that it was not satisfied with the parties who had the administration of that law; but month after month had rolled on, and still the same men continued to be entrusted with the administration of the same law. The end of the Session at length approached, and the Government came down to that House with a law hardly altered in one material respect; or, if altered, those alterations were put in the shape of a rider to the Bill; and he was told that he must not discuss them. Now, this could scarcely be called a fair course with regard to so important a measure. The House and the country had a right not only to something better, but they had a right to ask for the best. And now the Government talked of the pressure of public business and the end of the Session; but what reason was there for a dissolution so immediately? Was it to avoid discussion on so important a Bill? The Government made a merit of its intention to alter this law at the outset of the Session; and at the end of the Session, when their alterations came to be known, it turned out that they had altered nothing that was essential, and that nothing at all was altered for the better. Under these circumstances, though he did not agree with the retention of those who administered the old law, he thought it better that the Bill should be read that day three months, and leave it to the Government to postpone the dissolution if they thought the measure so essential. He would rather act thus than fix on the country for five years a system in which he saw many evils, and which had not the slightest merit beyond a change of persons, and even that was not certain. And now, although he was not allowed to touch on the clauses of which Government had given notice in reference to this Bill, and which, as they were printed and circulated, he supposed they meant to persevere in bringing forward; though, after what had just passed, it was not safe to calculate on their persevering with anything. They might give it up as they had done the Railway Bill; and if that were so, the right hon. Gentleman had better get up at once and say so. That would save the House a great deal of trouble, as they were very long clauses; and he confessed that he could not quite understand one of them, though of course that was his fault. But he defied any one to understand what was its object. But if he were not allowed to allude to these clauses, he would briefly state what he intended to propose. He would put it hypothetically. Should this Bill pass this Session, he should certainly feel it his duty to propose an addition, or rather a substitution, with regard to the tenth clause. The hon. Gentleman here read the clause, and then proceeded to ask how it was possible that such a jumble of bad English could be understood? He believed, however, that it was intended that all the orders and regulations of the Poor Law Commissioners were, until they were rescinded by their successors, to continue in full force. With respect to that intention, it would meet with his most decided opposition; and if the Bill should reach a third reading, he would propose a clause to the effect that in six months from the passing of the Act all the laws and regulations of the existing Poor Law Commissioners should cease and determine; and that the new Commissioners should be responsible for all the laws and regulations made after that time. That would be a more reasonable proposition than that of the present Bill. He saw no inconvenience in its operation; it would give the new Commissioners no great trouble, as they might retain all those of which they approved, and alter those of which they disapproved. At all events, the House would have the satisfaction of believing that the new officers had taken the pains to go through all the regulations; and it would also ensure the House from the excuse on any complaint being made, that it was an order made by their predecessors which they had overlooked. He hoped Government would adopt this clause, or if they did not, the determination that he would himself propose it did not remove his objections to the Bill now proposed. Indeed he felt disappointed, and the country at large joined him in that feeling, that they were to have a measure which bore upon the face of it no one sign of improvement whatever, but the representation of the Poor Law Board in Parliament; notwithstanding which, it allowed them to make laws in secret conclave at Somerset House. On these grounds he opposed the Bill.

Colonel SIBTHORP had always objected, and would continue to object, to Poor Law administration by any Government, be it Whig or Tory; being of opinion that the management of the poor was best left in the hands of the persons amongst whom they lived. The present Bill would not be an improvement on the existing system; it would give a mere change of men, not of principle. A few would go out, and a few others would go in. It would be merely "change sides and back again," as he recollected he did when he used to exhibit his humble person in a country dance. He looked upon the present Bill as mere trickery—and holding that opinion he would not give his support to the Government in their endeavour to push it on previously to a dissolution of Parliament. He thought it much better to continue the law they had (though he was far from being a friend to it), than rush into a new one which was not a jot better. The Government had said—"Oh, give us five years' trial of the new Bill." He, for one, would do nothing of the sort, as he looked upon the whole affair as a shuffle, and a very disreputable shuffle too. He questioned very much whether this new measure would not be ten times worse than the old one, and therefore he called upon the House, and those who pretended to have the well-being of the poor at heart, to throw this Bill overboard altogether, and leave it to a new Parliament to decide upon the alterations and amendments to be made. He had his doubts whether a new Parliament, when it assembled, might not be just as muddy as the old; but he cherished the hope that it would make its appearance washed something cleaner. He would support the proposition of the hon. Member for Finsbury, and do what he could to swamp the Bill.

Sir G. GREY said, that the hon. Member for Dorsetshire (Mr. Bankes) had complained that the House was not allowed to discuss this Bill on account of the necessity for dissolving Parliament. He must say he had never heard anything which could give the hon. Member any foundation for such a complaint. The hon. Member had, he believed, spoken three or four times since the Bill was introduced, not very briefly—on the occasion of the second reading the discussion had lasted four nights—and to-night the House had been occupied with it nearly five hours, in the absence, he regretted to say, during a great part of the time, both of the hon. Member for Dorsetshire and of the hon. Member for Lincoln (Colonel Sibthorp). The hon. Gentleman (Mr. Bankes) had expressed a wish that he should explain the principle of this Bill. He had explained it twice already; and he should think it quite unjustifiable to occupy the time of the House by explaining it again further than to say that the general principle of the Bill was the maintenance of a general central superintending authority, which should be immediately responsible to Parliament. The hon. Gentleman, at a loss for a proper objection to the Bill, was anxious to discuss the clauses of which he (Sir G. Grey) had given notice. He had also himself intimated an intention of moving a clause in the Bill, respecting which he would only say that he regretted the hon. Member had not given twenty-four hours' notice of it, that he (Sir G. Grey) might have had time to consider it. The hon. Gentleman had likewise asserted that almost nobody approved of the principle of this Bill; in answer to which, he (Sir G. Grey) begged to remind the hon. Gentleman of the majorities by which the Bill had been supported in its previous stages.

The House divided on the question, that the word "now," stand part of the Question:—Ayes 105; Noes 35: Majority 70.

List of the Ayes.

Acland, T. D.
Anson, hon. Col.
Antrobus, E.
Austen, Col.
Baillie, Col.
Baine, W.
Barnard, E. G.
Berkeley, hon. Capt.
Blake, M. J.
Bodkin, J. J.
Botfield, B.
Bowles, Adm.
Boyd, J.
Brotherton, J.
Buller, C.
Burroughes, H. N.
Byng, rt. hon. G. S.
Cavendish, hon. G. H.
Christie, W. D.
Clerk, rt. hon. Sir G.
Clive, Visct.
Clive, hon. R. H.
Colebrooke, Sir T. E.
Cowper, hon. W. F.
Craig, W. G.
Deedes, W.
Duncan, G.
Dundas, Sir D.
Ebrington, Visct.
Esmonde, Sir T.
Evans, W.
Ewart, W.

Forster, M.
Fox, C. R.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Goulburn, rt. hon. H.
Graham, rt hon. Sir J.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hamilton, Lord C.
Hanmer, Sir J.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Heathcoat, J.
Hotham, Lord
Howard, hon. C. W. G.
Howard, Sir R.
James, Sir W. C.
Labouchere, rt. hon. H.
Lawless, hon. C.
Liddell, hon. H. T.
Lindsay, Col.
Loch, J.
Macaulay, rt. hon. T. B.
M'Carthy, A.
M'Donnell, J. M.
Maule, rt. hon. F.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Morison, Gen.
Mostyn, hon. E. M. L.
Nicholl, rt. hon. J.
O'Brien, J.
O'Connell, M. J.
O'Conor Don
Owen, Sir J.
Pakington, Sir J.
Parker, J.
Patten, J. W.
Plumridge, Capt.
Polhill, F.
Prime, R.
Reid, Col.
Roebuck, J. A.
Russell, Lord J.
Russell, J. D. W.
Rutherfurd, A.
Seymer, H. K.
Seymer, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerset, Lord G.
Somerville, Sir W. M.
Stanley, hon. W. O.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Tollemache, J.
Towneley, J.
Traill, G.
Trelawny, J. S.
Trotter, J.
Turner, E.
Vesey, hon. T.
Ward, H. G.
Williams, W.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Arkwright, G.
Bankes, G.
Bentinck, Lord G.
Borthwick, P.
Brisco, M.
Burrell, Sir C. M.
Callaghan, D.
Collett, J.
Collins, W.
Colville, C. R.
Crawford, W. S.
D'Eyncourt, rt. hn. C. T.
Dick, Q.
Douglas, J. D. S.
Duncombe, T.
Etwall, R.
Fielden, J.
Floyer, J.
Frewen, C. H.
Fuller, A. E.
Goring, C.
Hall, Sir B.
Henley, J. W.
Lowther, hon. Col.
Masterman, J.
Pechell, Capt.
Perfect, R.
Sibthorp, Col.
Smyth, Sir H.
Spooner, R.
Stuart, J.
Thompson, Mr. Ald.
Vyse, H.
Walker, R.
Yorke, H. R.

TELLERS.

Wakley, T.
Ferrand, W. B.

Bill read a third time.

Mr. SPOONER moved the following Clause to be added to the Bill:—

"Provided always, and be it declared and Enacted, That no rule, order, or regulation of the Poor Law Commissioners heretofore made, or hereafter to be made, prohibiting the granting of relief to any ablebodied person, except within the workhouse of the Union, shall remain or continue in force or effect from and after the passing of this Act."

This was the first of three clauses of which he had given notice. He was induced to propose them for the adoption of the House from the conviction that no rule or regulation of the Poor Law Commissioners ought to be made prohibiting the granting of relief to any ablebodied person except within the workhouse of the union. He believed it would be much cheaper in the long run, and that it would tend much more to the comfort of the working classes if work was found for them by the guardians of the poor, than to say to them in substance that, because no one would or could employ them, they should go into the workhouse. He would illustrate his position by reference to a case of a family in which the father and mother and children were all employed, earning something more or less. The father might be suddenly thrown out of employment, either from illness or from dearth of labour, and in consequence might be compelled to apply for relief during the time his labour was suspended. He went to the workhouse for relief; but what was the answer made to his appeal? "No, we cannot give it to you—you are an ablebodied man, and we cannot relieve you—you must come into the workhouse with your wife and children." Now, he put it to the House whether the law did not act most oppressively towards this poor man? The labourer might be himself unable to work; but his wife and children were in the receipt of some earnings, and yet, because he applied for relief for himself, he was told that he could not get it unless he was prepared to break up his home and go into the workhouse with his whole family. Such was the present state of the law. He contended that the law, as it at present stood, inflicted a grievous injustice upon the labouring classes of the country. The honest and industrious labourer, who might by some vicissitude or another be thrown out of his employment, was compelled to leave his cottage, to sell off his little furniture, and find an asylum in the union workhouse, and thus become at once a pauper, without the chance of ever again becoming a free and independent labourer. To avoid a continuation of this state of things, he asked whether it would not be better to give the guardians the discretionary power of offering the ablebodied pauper labour rather than compel them, in the absence of all local knowledge as to circumstances or requirements of individual cases, to act upon a harsh and stringent rule. The Home Secretary had placed next on that night's orders the Prisons Bill and the Custody of Offenders Bill; and what did those Bills propose? Why, to take a convicted felon and employ him on public works, finding for him constant food and clothing; and this in the sight of the labourer, who had committed no crime! In respect at once to food and clothing, and education and medical relief, prisons were conducted upon a much more liberal scale than union workhouses, and prisoners were really much more comfortable and not less at liberty than those unfortunate victims whom no fault of theirs had driven to the workhouse. It was said that it would be impossible to find employment in the manufacturing districts for large masses of the population suddenly thrown out of work. True, but neither could they be shut up in prisons. The order then became impracticable, and money relief was resorted to. That could be no reason for applying the order as it was applied in country parishes, where work could be found for the applicants. The system was unconstitutional in itself and was cruel to the poor; it engendered an ill feeling among the labouring classes; they looked upon themselves as hardly dealt with. He felt that this was a very important question to be driven to such a late hour of the night; but he must take the sense of the House upon it, not because he expected to succeed, but in order to have his proposition recorded, and also the names of those who agreed with him. And let hon. Members, before voting, remember the pledges they had given to their constituents.

Clause read a first time.

On the question that it be read a second time,

SIR G. GREY quite agreed in the opinion of the hon. Member, that the three clauses given notice of by him were most important, and ought not to be adopted without the most grave consideration. They were so important that they ought not to be agreed to merely as amendments to a Bill for altering the administrative body in respect to the Poor Laws. If agreed to at all, they ought to form part of a separate Bill, because they affected an important principle of the Poor Laws. The hon. Gentleman seemed to imply that this workhouse test was first introduced by the New Poor Law; but in an Act passed so long ago as 1722 that principle was expressly affirmed; and he thought it absolutely necessary to apply this test in respect to many cases of applications for relief. He trusted that Parliament was not now disposed to depart from it; and indeed the hon. Gentleman said that he did not expect to carry his Motion, but rather wished to place his own opinion on record. The prohibitory order of the Poor Law Commissioners applied only to the able-bodied, and did not apply to those aged and infirm persons who had been referred to by an hon. Member; and if not the universal, at least the general practice was, that such persons were not compelled to go into the workhouse, though they were in many cases admitted, on their own consent, into the workhouse. The Amendment proposed by the hon. Member would take away all discretionary power on this subject, and that was a principle to which he could not agree.

MR. BANKES supported the Amendment now moved; but he could not support the other two Amendments of the hon. Member which stood on the Paper, as they were prospective.

MR. FERRAND could assure the right hon. Baronet that it was almost a general rule throughout the country that aged and infirm persons should go into the workhouse before they received relief. If this were not the case, what objection could there be to the insertion of a clause allowing universally out-door relief, as a matter of right, to the aged and infirm poor? It made the injustice greater if some of these poor persons were obliged to go into the workhouse to get relief, while others could get it and remain out of the workhouse. He took this opportunity of alluding to the attack made on him by the hon. and learned Member for Bath. That hon. and learned Member had made a great many insinuations against him during the time that he addressed the House. He should like the hon. and learned Gentleman to speak out openly and plainly. He was perfectly aware that the hon. and learned Gentleman did, some two or three Sessions ago, seek and obtain the protection of the House in making these attacks; and therefore it was known that these attacks could be made by the hon. and learned Gentleman with perfect impunity. With respect to what he had said relative to the medical officer, he was prepared to give the name of that gentleman to the Secretary for the Home Department; and it was but justice to say that when the medical gentleman gave him the information, he stated the hardship of his own case, for he said that the drugs he provided for the poor nearly cost the whole amount of his salary. The hon. and learned Gentleman made another attack on him in respect to the statement of a woman having died of starvation. Now, he was prepared to give to the Home Secretary the name of the coroner by whom the inquest was held, and to afford him every assistance to go into the whole case, if he thought proper to do so.

The CHANCELLOR OF THE EXCHEQUER believed, that the great majority of those hon. Members who were at all acquainted with the administration of the Poor Law would bear him out when he said that the hon. Member for Knaresborough was entirely mistaken in his statement as to the aged and infirm poor being forced to go into the workhouse. He (the Chancellor of the Exchequer) had acted as chairman of a board of guardians for many years—in fact ever since the New Poor Law was brought into operation—and he could distinctly state that, as regarded that board, the universal rule was this—that under special circumstances only were persons taken into the workhouse; the general rule was that persons above the age of sixty should not be sent into the workhouse. He certainly had himself been a party to ordering persons above sixty, under very special circumstances, to go into the workhouse. It was generally found necessary in such cases that they should have some one to attend to their wants, which could be better done in the workhouse than elsewhere. He knew of no instance in which persons were obliged to go into the workhouse except where the guardians thought that it would be more beneficial to the applicant that he should go into the workhouse.

CAPTAIN PECHELL wished to remind the right hon. Gentleman that the Andover Union Committee had distinctly reported that parties were very frequently compelled to enter the workhouse before they received any relief, and that when admitted they had to perform a portion of hard taskwork (such as bone-crushing). In one instance it appeared that a man had to travel a distance of ten miles, night and morning, to get such employment in the workhouse, for the purpose of procuring sustenance for himself and his wife and family. The Committee recommended the House to adopt some measure to prevent a repetition of such hardships. He conceived that the present mode of administering relief to the poor was not consonant with the feelings of the House; and he felt confident that the attention of the Government would be speedily called to it, with a view of remedying its great abuses.

MR. WAKLEY believed it was a common thing for old persons to be forced into the house; relief was denied unless they went into it. There might be unions where this practice was not adopted; but in many others it existed. Under the 27th Clause of the Poor Law Act, old persons incapable of work who objected to go into the house, must be maintained by the guardians out of it, provided two magistrates would sign an order for relief, one of whom must certify that from his personal knowledge the individual was incapable of working. A case of the kind occurred in the Margate union; an old man, disabled and incapable of labour, applied to the guardians for relief; they referred him to the magistrates. He was assisted before the magistrates by Mr. Waddington, the surgeon. The magistrates granted him an order for out-door relief, and he obtained it for one week. At the end of that time the parish officers refused to continue it. He returned to the magistrates, and they told him he must bring an action against the parish authorities.

MR. CHRISTOPHER said, it was to be regretted that no uniformity existed with regard to the carrying out of the Poor Law. In the most pauperised districts they would find that the law, with respect to the workhouse test, was not carried out with great vigour, whilst in those counties that were better circumstanced the law was stringently carried out. He conceived that the board of guardians should be empowered to deal with cases in such a manner as appeared to them just and requisite. Although he did not exactly agree with the entire spirit of the resolutions of the hon. Member for Birmingham, yet he hoped the Government might be induced to bring forward some measure calculated to remedy the evils to which they referred.

MR. ETWALL said, there could be no doubt as to aged and infirm poor persons being forced to go into workhouses before they received relief. Many such cases were brought under the consideration of the Andover Union Committee. Indeed, it was that very circumstance which had contributed in so great a degree to render the Poor Law unpopular in the west of England.

The House then divided on the question, that the Clause be read a second time:—Ayes 37; Noes 109: Majority 72.

List of the AYES.

Archdall, Capt. M.
Austen, Col.
Baillie, W.
Bankes, G.
Beckett, W.
Bentinck, Lord G.
Borthwick, P.
Broadwood, H.
Brotherton, J.
Christopher, R. A.
Collins, W.
Colville, C. R.
Crawford, W. S.
D'Eyncourt, rt. hn. C. T.
Duncombe, T.
Egerton, W. T.
Etwall, R.
Fielden, J.
Frewen, C. H.
Granby, Marq. of
Hall, Sir B.
Halsey, T. P.
Heathcoat, J.
Houldsworth, T.
Mainwaring, T.
Masterman, J.
Pechell, Capt.
Perfect, R.
Rashleigh, W.
Repton, G. W. J.
Sheridan, R. B.
Sibthorp, Col.
Thompson, Ald.
Vyvyan, Sir R. R.
Wakley, T.
Williams, W.
Yorke, H. R.

TELLERS.

Spooner, R.
Ferrand, W. B.

List of the NOES.

Allix, J. P.
Anson, hon. Col.
Antrobus, E.
Baillie, Col.
Baine, W.
Barnard, E. G.
Barrington, Visct.
Berkeley, hon. Capt.
Blackburne, J. I.
Blake, M. J.
Bodkin, W. H.
Bodkin, J. J.
Bowring, Dr.
Boyd, J.
Bramston, T. W.
Buck, L. W.
Buller, C.
Burke, T. J.
Burrell, Sir C. M.
Byng, rt. hon. G. S.
Carew, W. H. P.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Clerk, rt. hon. Sir G.
Corbally, M. E.
Craig, W. G.
Cripps, W.
Deedes, W.
Denison, J. E.
Denison, E. B.
Dickinson, F. H.
Duckworth, Sir J. T. B.
Duncan, G.
Ebrington, Visct
Ellice, rt. hon. E.
Ellice, E.
Esmonde, Sir T.
Evans, W.
Ferguson, Sir R. A.
Floyer, J.
Fox, C. R.
Gibson, rt. hon. T. M.
Gladstone, Capt.
Goulburn, rt. hon. H.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hallyburton, Ld. J.F.G.
Hanmer, Sir J.
Hastie, A.
Hatton, Capt. V.
Hawes, B.
Henley, J. W.
Howard, hon. C. W. G.
Hudson, G.
Hume, J.
Ingestre, Visct.
Labouchere, rt. hon. H.
Lindsey, Col.
Loch, J.
Macaulay, rt. hon. T. B.
M'Donnell, J. M.
Marshall, W.
Maule, rt. hon. F.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Mostyn, hon. E. M. L.
Nicholl, rt. hon. J.
Norreys, Lord
O'Brien, J.
Owen, Sir J.
Pakington, Sir J.
Palmer, R.
Parker, J.
Patten, J. W.
Plumridge, Capt.
Powlett, Lord W.
Pusey, P.
Rich, H.
Roebuck, J. A.
Russell, Lord J.
Rutherfurd, A.
Seymer, H. K.
Seymour, Lord
Shaw, rt. hon. F.
Sheil, rt. hon. R. L.
Somerville, Sir W. M.
Stanley, hon. W. O.
Stuart, H.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Towneley, J.
Trelawny, J. S.
Trevor, hon. G. R.
Turner, E.
Vane, Lord H.
Villiers, hon. C.
Waddington, H. S.
Ward, H. G.
Wellesley, Lord C.
Wodehouse, E.
Wood, rt hon. Sir C.
Wortley, hon. J. S.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

Two other clauses proposed by Mr. SPOONER, one to prohibit, prospectively, the refusal of out-door relief; and the other, making it lawful for the guardians to grant relief and work to all ablebodied persons out of the workhouse, were negatived.

LORD G. BENTINCK moved the adjournment of the House, observing that, as they would have to meet to-morrow at twelve o'clock, and as the clause of which the right hon. Gentleman (Sir G. Grey) had given notice would create considerable discussion, it was too late to proceed that night with the Bill. If they continued the discussion, it would be out of the question to meet at twelve o'clock to-morrow.

LORD J. RUSSELL objected to the Motion. They were now very near the end of the Bill; the third reading had been carried, and there were some proposals for amendments which there was yet plenty of time to consider. When the House had considered these amendments, and decided on them, they would then be able to say if it was too late to meet at twelve o'clock to-morrow. Having read the Bill a third time, it was really a very strange proceeding for the noble Lord to interrupt public business by such a Motion as that which he had now made. The noble Lord's proposal would put a stop to all business.

SIR. G. GREY had no hesitation in saying, that, as the first clause was very generally objected to, and as he had only given notice of his intention to move it on the supposition that it would be acquiesced in, he would not proceed with it.

Motion to adjourn withdrawn.

MR. BORTHWICK moved the following Clause:—

> "Provided always, and be it Enacted, That when any two persons, being husband and wife, both of whom shall be above the age of 60 years, shall be received into any Workhouse, in pursuance of the provisions of the said recited Act or of this Act, or of any rule, order, or regulation of the Commissioners appointed by authority of this Act, such two persons shall not be compelled to live separate and apart from each other in such Workhouse."

He hoped the right hon. Home Secretary would not object to this proposal; for he thought that when the pressure of poverty rendered it necessary for aged married people to take refuge in the workhouse, they ought not to be required to submit to a painful separation. The 43rd of Elizabeth, and the seven Poor Law Acts previously passed in the same reign, all recognised the principle of providing work for the idle and unemployed, and affording relief to the aged and infirm; but since the establishment of the existing system of Poor Laws, the aged poor had no refuge except the workhouses, where it was alleged the scantiness of accommodation rendered the separation of the married inmates necessary.

Clause brought up and read a first time.

On the question that it be read a second time,

Sir G. GREY observed, that the aged persons who became the inmates of workhouses possessed far greater comforts than, in their infirm state, and without friends or relations to take care of them, they could obtain out of the houses. The hon. Gentleman who had moved this clause might not be aware that, by an order of the Poor Law Commissioners, the guardians of the poor of any union might now, with the consent of the Commissioners, provide separate sleeping apartments for married inmates, where the construction of the workhouses and the circumstances of the union admitted of such an arrangement. He considered that to make such a rule imperative in all cases would be productive of great inconvenience; because, when parties of the class referred to by the hon. Member for Evesham were desirous of entering workhouses they might be prevented from doing so in consequence of the inability of the guardians to provide proper accommodation. The same difficulty would also arise in many cases when, in consequence of temporary distress, the workhouses were crowded with inmates.

Mr. FERRAND must say, in reference to the rule of which the right hon. Baronet (Sir G. Grey) had spoken, that he never heard of it before. As to the Commissioners giving their consent that the guardians should exercise such a power, no practical benefit would thereby ensue to the poor.

Mr. HUME, considering that this was one of those things that had made the Poor Law more offensive than any other, thought the object sought for by the hon. Member (Mr. Borthwick) should be conceded. He did not think this was a point that should be left to the Poor Law Commissioners.

Mr. B. DENISON entreated the House not to agree to this clause, making it imperative on boards of guardians to receive man and wife into the workhouse in the way proposed; for he believed it would lead to the greatest confusion in the various union workhouses. In the part of the country where he came from, old married persons, of 60 years of age, were hardly ever sent into the workhouse; but he thought that if they were taken in, they should not have the power to obtain apartments for themselves.

Mr. BROTHERTON would add his request to those already given, that Her Majesty's Ministers would consent to the adoption of this clause. When he was overseer of a parish, about twenty years ago, an old man applied for relief, and he offered him the workhouse; but his reply was, that "his old woman and he had lived together for forty years, and it would break their hearts to be separated." This he believed to be the universal feeling; and he therefore hoped the Government would accept the clause which had been proposed.

Lord G. BENTINCK was a little surprised at the course taken by the hon. Member for the West Riding of Yorkshire (Mr. B. Denison), as he was returned to that House on the strength of the anti-Poor Law cry. The hon. Member said there was scarcely any married persons above 60 years of age sent to the workhouse. If this was the case, then there would be the less difficulty in carrying the proposal of the hon. Member for Evesham into effect, as the cases would be few in which the arrangement would require to be carried out. He denied that there was any proposal in the clause for giving each of the old persons a separate apartment. Looking, at the whole question, he thought there was not the slightest pretence for retaining this, one of the greatest severities inflicted upon old people.

Lord J. RUSSELL must agree with what had been said, that in some cases this was a great hardship; and he thought the Poor Law Commissioners had endeavoured to meet that hardship by the rule which they had laid down. But, however, if it was thought more desirable to introduce the matter into the Bill, all that he would object to would be the proposal that it should be made imperative on the guardians. He did not think it necessary that the Poor Law Commissioners should give their consent; but he quite agreed with the hon. Member for the West Riding of Yorkshire that it would give rise to great difficulty if these old persons could insist, against the will of the guardians, on having separate apartments. If, however, after the clause had been read a second time, the hon. Gentleman opposite would introduce the words "that the guardians should be at liberty to resolve that" these old persons should not be compelled to live separate, he should not object to the clause thus amended.

Mr. WAKLEY hoped the Government would agree to the clause as it stood. It was his firm conviction that aged persons had perished from want rather than go into the workhouse. It had been said that in many instances old people were not sent into the workhouse; and he believed the adoption of this clause would strengthen that practice. It would be one of the strongest inducements to guardians everywhere to give old people their choice. He trusted that the New Poor Law Commissioners in embryo would not resist the humane proposal now made.

Mr. HENLEY said, it might, no doubt, be difficult to accommodate married people in the workhouses in the way proposed. He agreed with the Chancellor of the Exchequer, that, in the great majority of cases, these old persons were relieved out of the workhouse; but there were unions where this was not done; and he thought the clause now proposed would be an inducement to the extension of this practice. He therefore hoped that the House would permit the clause to pass unaltered.

Captain PECHELL contended that there was no difficulty in keeping the aged poor without separating husband and wife, as was shown in the case of the Gosport workhouse, where they were kept in cottages built round the workhouse.

Dr. BOWRING thought it would be highly inexpedient to leave the the matter to the boards of guardians. The separation of old married people was the most unpopular part of the New Poor Law; and the inconvenience would be great if the boards of guardians in one district decided that these parties were to be separated, and in another they were not to be separated.

Mr. BORTHWICK replied, and with every respect for the suggestion of the noble Lord, he must press his Motion to a division. He trusted the noble Lord would not oppose it.

Clause read a second time.

Lord J. RUSSELL thought the discretion might very properly be intrusted to boards of guardians, and should, therefore, move an Amendment to that effect. After the word "Act," he moved the insertion of the words, "that boards of guardians should be at liberty to resolve," &c.

Mr. BANKES said, if the noble Lord was prepared to give the boards of guardians discretion in all cases, he would not oppose it; but as they were only allowed discretion in this obnoxious case, he must oppose it.

Mr. ETWALL believed there was no instance on record of a board of guardians making such an application as that alluded to by the hon. Member for the West Riding of Yorkshire; or that if they did make it, there was no case in which it had ever been carried into effect.

Mr. B. DENISON remarked, in reply to the noble Lord the Member for Lynn, that on contesting the West Riding he certainly did say that the Poor Law required amendment; and he could appeal to the Votes whether he had not since supported Amendments calculated to mitigate its severity. He thought the present clause, as it stood, objectionable, and should vote for the Amendment.

Mr. NEWDEGATE thought it was a lamentable prospect for the hon. Member for the West Riding that he should have to appear before his constituents with this statement hanging round his neck. He hoped the noble Lord would not persist in his Amendment.

On the question that the words proposed by Lord John Russell be inserted, the House divided:—Ayes 55; Noes 70: Majority 15.

List of the Ayes.

Anson, hon. Col.
Antrobus, E.
Austen, Col.
Bannerman, A.
Berkeley, hon. Capt.
Bramston, T. W.
Burke, T. J.
Carew, W. H. P.
Corbally, M. E.
Craig, W. G.
Deedes, W.
Denison, J. E.
Denison, E. B.
Dickinson, F. H.
Duckworth, Sir J. T. B.
Dundas, Adm.
Ebrington, Visct.
Esmonde, Sir T.
Evans, W.
Ferguson, Sir R. A.
Fox, C. R.
Gibson. rt. hon. T. M.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Hallyburton, Ld. J. F. G.
Hawes, B.
Howard, hon. C. W. G.
Labouchere, rt. hon. H.
Loch, J.
Marshall, W.
Maule, rt. hon. F.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
O'Brien, J.
Parker, J.
Plumridge, Capt.
Ponsonby, hn. C. F. A. C.
Powlett, Lord W.
Russell, Lord J.
Rutherfurd, A.

Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, Sir W. M.
Sotheron, T. H. S.
Stanley, hon. W. O.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Trelawny, J. S.
Vane, Lord H.
Ward, H. G.
Wood, rt. hn. Sir C.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Allix, J. P.
Archdall, Capt. M.
Arkwright, G.
Baillie, W.
Baine, W.
Bankes, G.
Barkly, H.
Bernard, E. G.
Beckett, W.
Bentinck, Lord G.
Blackburne, J. I.
Blake, M. J.
Bodkin, W. H.
Bowring, Dr.
Broadwood, H.
Brotherton, J.
Buck, L. W.
Christopher, R. A.
Clerk, rt. hon. Sir G.
Collins, W.
Colville, C. R.
Crawford, W. S.
Cripps, W.
D'Eyncourt, rt. hn. C. T.
Duncan, G.
Duncombe, T.
Egerton, W. T.
Ellice, rt. hon. E.
Etwall, R.
Fielden, J.
Ferrand, W. B.
Floyer, J.
Frewen, C. H.
Fuller, A. E.
Gill, T.
Gladstone, Capt.
Gower, hon. F. L.
Granger, T. C.
Hall, Col.
Halsey, T. P.
Hanmer, Sir J.
Heathcoat, J.
Hudson, G.
Hume, J.
Ingestre, Visct.
Masterman, J.
Newdegate, C. N.
Nicholl, rt. hon. J.
Pakington, Sir J.
Palmer, R.
Pechell, Capt.
Perfect, R.
Rushleigh, W.
Roebuck, J. A.
Seymer, H. K.
Sheridan, R. B.
Sibthorp, Col.
Spooner, R.
Stuart, H.
Thompson, Ald.
Trevor, hon. G. R.
Turner, E.
Vivian, J. E.
Vyvyan, Sir R. R.
Waddington, H. S.
Wakley, T.
Williams, W.
Wodehouse, E.
Wortley, hon. J. S.
Yorke, H. R.

TELLERS.

Borthwick, P.
Henley, J. W.

On the Motion that the clause be added to the Bill,

SIR J. PAKINGTON said, that every one acquainted with the practical administration of the Poor Law must know that it was absolutely impossible, with any regard to decency, that any such regulation could be carried into effect. Under the old system the separation of the men and women was found to be necessary, and had been generally adopted. The only feasible argument in support of it was, that it would compel the guardians to give out-door relief; but if the Government meant to acquiesce in that alteration they should do it openly and directly.

MR. ELLICE said, that he had done that which was very unusual with him, viz., voted against the noble Lord on the common-sense view of the subject. In so doing he desired that the practical effect of the clause should be to relieve these poor people out of the workhouse; and, as that was the practice now, he could conceive no harm from adopting the clause. It was reasonable that a great distinction should be made between the aged and infirm and the ablebodied poor.

LORD J. RUSSELL hoped the House had well considered the clause, which, by the division, he understood the House to approve of. He wished, by his Amendment, to leave the practice as it stood before; and therefore he had adopted the principle of one of the present regulations of the Commissioners, giving the guardians a discretion as to the separation or non-separation of man and wife. But if the clause were to be agreed to without any such limitation, he was not certain that it would have the humane effect intended. Unquestionably the permission to numerous married couples to live together in the workhouse, would be attended with considerable inconvenience. The guardians would decide that they should be relieved out of the workhouse; and if so, he was not sure that with regard to very aged and helpless couples living alone in a miserable cottage, they might not be more comfortably situated in the workhouse than out of it; and this clause did not compel the guardians to receive them into the workhouse; it only obliged them to permit their living together, which might have the effect he had just mentioned. As the House had expressed its opinion, he did not think it desirable to take another division then, although if the House should think proper to divide again, he could not take upon himself the responsibility of agreeing to the clause as it stood.

Clause added to the Bill.

MR. BANKES moved the following clause:—

> "Provided always, and be it declared and Enacted, That no rule, order, or regulation, of the Poor Law Commissioners, shall remain or continue in force or effect beyond the period of Six Months from and after the date of the appointment of the President and Commissioners under the provisions of this Act."

He wished the whole responsibility of the future administration of the law thrown upon the new Commission.

Clause read a first time. On the question that it be read a second time,

SIR G. GREY thought the clause unnecessary, because, should the new Board continue to act upon the rules and regulations after their appointment, they must be held as having adopted them; and, as a matter of course, responsibility would be involved.

The House divided:—Ayes 35; Noes 71: Majority 36.

List of the AYES.

Allix, J. P.
Archdall, Capt. M.
Arkwright, G.
Baillie, W.
Baldwin, B.
Bentinck, Lord G.
Borthwick, P.
Broadwood, H.
Collins, W.
Colville, C. R.
Duncombe, T.
Etwall, R.
Fielden, J.
Ferrand, W. B.
Floyer, J.
Frewen, C. H.
Fuller, A. E.
Gladstone, Capt.
Hall, Sir B.
Halsey, T. P.
Heathcote, J.
Hudson, G.
Ingestre, Visct.
Newdegate, C. N.
Pechell, Capt.
Perfect, R.
Rashleigh, W.
Sibthorp, Col.
Spooner, R.
Thompson, Ald.
Vyvyan, Sir R. R.
Waddington, H. S.
Wakley, T.
Williams, W.
Wodehouse, E.

TELLERS.

Bankes, G.
Henley, J. W.

List of the NOES.

Anson, hon. Col.
Antrobus, E.
Barkly, H.
Berkeley, hon. Capt.
Blake, M. J.
Bodkin, W. H.
Bowring, Dr.
Bramston, T. W.
Brotherton, J.
Burke, T. J.
Carew, W. H. P.
Corbally, M. E.
Craig, W. G.
Deedes, W.
Denison, J. E.
Denison, E. B.
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
Duckworth, Sir J. T. B.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Esmonde, Sir T.
Evans, W.
Ferguson, Sir R. A.
Fox, C. R.
Gibson, rt. hon. T. M.
Gill, T.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Hallyburton, Ld. J. F. G.
Hanmer, Sir J.
Hawes, B.
Howard, hon. C. W. G.
Hume, J.
Labouchere, rt. hon. H.
Loch, J.
Marshall, W.
Masterman, J.
Maule, rt. hon. F.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Nicholl, rt. hon. J.
O'Brien, J.
Pakington, Sir J.
Parker, J.
Plumridge, Capt.
Powlett, Lord W.
Rice, E. R.
Russell, Lord J.
Rutherford, A.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Somerville, Sir W. M.
Sotheron, T. H. S.
Stanley, hon. W. O.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Trelawny, J. S.
Trevor, hon. G. R.
Vane, Lord H.
Ward, H. G.
Wood, rt. hon. Sir C.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

MR. T. DUNCOMBE was anxious to have the salaries to be given under the Bill specified, and he also wished that a Secretary to the Commission should vacate his seat on accepting office. There was no use in denying but that the Bill would give two new Parliamentary places to Government, which they would always be able to command; and he was opposed to such places being made without rendering it imperative on Members accepting them to vacate their seats. He should, therefore, move the insertion of the following words after the word "England," in the 22nd line of the first page: "And also in the same manner to appoint such Secretaries as from time to time may be deemed requisite." His object was to give the appointment of the Secretaries as well as of the Chief Commissioner immediately to the Crown, so that a Member accepting the appointment would by so doing forfeit his seat.

Question put that the words be there inserted.

SIR GEORGE GREY said, the Government followed the usual course in not inserting the salaries in the Bill. When the Poor Law Commissioners were appointed, it was arranged that their salaries should come annually before Parliament; and the same course was taken in the present instance. All Boards were given a power to appoint their own Secretaries; and Her Majesty's Government saw no reason why the usual rule should be departed from in this instance.

The House divided:—Ayes 32; Noes 71: Majority 39.

List of the AYES.

Allix, J. P.
Arkwright, G.
Baillie, W.
Baldwin, B.
Bankes, G.
Bentinck, Lord G.
Blake, M. J.
Borthwick, P.
Broadwood, H.
Colville, C. R.
D'Eyncourt, rt. hn. C.T.
Etwall, R.
Fielden, J.
Floyer, J.
Frewen, C. H.
Fuller, A. E.
Hall, Sir B.
Halsey, T. P.
Henley, J. W.
Hudson, G.
Hume, J.
Ingestre, Visct.
Newdegate, C. N.
Pechell, Capt.
Perfect, R.
Rashleigh, W.
Sibthorp, Col.
Spooner, R.
Waddington, H. S.
Wakley, T.
Williams, W.
Wodehouse, E.

TELLERS.

Duncombe, T.
Ferrand, W. B.

List of the NOES.

Anson, hon. Col.
Antrobus, E.
Barkly, H.
Berkeley, hon. Capt.
Bodkin, W. H.
Bowring, Dr.
Bramston, T. W.
Brotherton, J.
Burke, T. J.
Carew, W. H. P.
Corbally, M. E.
Craig, W. G.
Deedes, W.
Denison, J. E.
Denison, E. B.
Dickinson, F. H.
Duckworth, Sir J. T. B.
Duncan, G.

Dundas, Adm.
Ebrington, Visct.
Esmonde, Sir T.
Evans, W.
Ferguson, Sir R. A.
Fox, C. R.
Gibson, rt. hon. T. M.
Gill, T.
Gladstone, Capt.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Hallyburton, Ld.G.F.G.
Hanmer, Sir J.
Hawes, B.
Heathcoat, J.
Howard, hon. C. W. G.
Labouchere, rt. hon. H.
Loch, J.
Marshall, W.
Masterman, J.
Maule, rt. hon. F.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Nicholl, rt. hon. J.
O'Brien, J.
Pakington, Sir J.
Parker, J.
Plumridge, Capt.
Powlett, Lord W.
Rice, E. R.
Russell, Lord J.
Rutherfurd, A.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Somerville, Sir W. M.
Sotheron, T. H. S.
Stanley, hon. W. O.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Trelawny, J. S.
Trevor, hon. G. R.
Vane, Lord H.
Vyvyan, Sir R. R.
Ward, H. G.
Wood, rt. hon. Sir C.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

Mr. WAKLEY moved the substitution of the word "one" for the word "five," in the 20th line of the 26th Clause. His object was to bring the entire question under the consideration of the new Parliament by limiting the duration of the Bill to a single year.

Question put that "five" stand part of the Bill.

The House divided:—Ayes 71; Noes 26: Majority 45.

List of the AYES.

Anson, hon. Col.
Antrobus, E.
Baldwin, B.
Barkly, H.
Berkeley, hon. Capt.
Blake, M. J.
Bodkin, W. H.
Bowring, Dr.
Bramston, T. W.
Brotherton, J.
Burke, T. J.
Carew, W. H. P.
Corbally, M. E.
Craig, W. G.
Deedes, W.
Denison, J. E.
Denison, E. B.
Dickinson, F. H.
Duckworth, Sir J. T. B.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Esmonde, Sir T.
Evans, W.
Ferguson, Sir R. A.
Fox, C. R.
Gibson, rt. hon. T. M.
Gill, T.
Gladstone, Capt.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grey, rt. hon. Sir G.
Hallyburton, Ld. J. F. G.
Hanmer, Sir J.
Hawes, B.
Heathcoat, J.
Howard, hon. C. W. G.
Hume, J.
Labouchere, rt. hon. H.
Loch, J.
Marshall, W.
Maule, rt. hon. F.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Nicholl, rt. hon. Sir J.
O'Brien, J.
Pakington, Sir J.
Parker, J.
Plumridge, Capt.
Powlett, Lord W.
Rice, E. R.
Russell, Lord J.
Rutherfurd, A.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Somerville, Sir W. M.
Sotheron, T. H. S.
Stanley, hon. W. O.
Strutt, rt. hon. E.
Thornely, T.
Trelawny, J. S.
Trevor, hon. G. R.
Vane, Lord H.
Ward, H. G.
Wood, rt. hon. Sir C.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Allix, J. P.
Arkwright, G.
Baillie, W.
Bankes, G.
Bentinck, Lord G.
Borthwick, P.
Broadwood, H.
Colville, C. R.
D'Eyncourt, rt. hn. C. T.
Duncombe, T.
Etwall, R.
Fielden, J.
Floyer, J.
Frewen, C. H.
Fuller, A. E.
Halsey, T. P.
Henley, J. W.
Hudson, G.
Ingestre, Visct.
Newdegate, C. N.
Pechell, Capt.
Rashleigh, W.
Sibthorp, Col.
Spooner, R.
Waddington, H. S.
Williams, W.

TELLERS.

Wakley, T.
Ferrand, W. B.

Bill passed.

House adjourned at half-past Two o'clock.

HOUSE OF LORDS,

Friday, June 25, 1847.

Minutes.] Public Bills.—1ª Poor Laws Administration; Tithes Commutation; Trustees Relief.

2ª Qualification of Peers (Scotland); Royal Marine Service.

Received the Royal Assent.—Soap Allowances; Stage Carriages, &c. Duties; Lunatic Asylums (No. 2); Out Pensioners (Chelsea and Greenwich); Newfoundland Government; Collection of Duties (Port Natal); Loan Societies; Representative Peers (Scotland); Transference of Lands (Scotland); Burgage Tenure (Scotland); Service of Heirs (Scotland); Crown Charters (Scotland); Heritable Securities for Debt (Scotland); Trust Money Investment (Ireland); Prisoners Removal (Ireland); Destitute Persons (Ireland, No. 2); Van Diemen's Land Company; British American Land Company.

Petitions Presented. By Earl Fortescue, from Colchester, and a great number of other places, for the Enactment of Sanitary Regulations.—By Lord Lyttleton, from Clergy of the Rural Deanery of Himley, and Lichfield, against the Clergy Offences Bill.

MESSAGES FROM THE COMMONS.

The Deputy Usher of the Black Rod having announced "a Message from the House of Commons,"

Lord BROUGHAM rose, and submitted to their Lordships whether it was not productive of the greatest possible inconvenience to persist in the practice now adopted when Bills came up from the House of Commons. By doing so, they lost half an hour of most invaluable time, inasmuch as it was half an hour taken out of the three half-hours during which their Lordships usually transacted public business, and sacrificed to one of the most useless ceremonies that was ever practised by any court or public assembly. For his part, he saw no reason to suppose that this House would lose any of its dignity by taking Bills from the House of Commons in a list, in the same manner as the Commons received Bills from their Lordships' House. He had to ask their Lordships to pay a little attention to this subject. At this period he did not propose any specific measure; but he thought it was very advisable that the question should be referred to a Committee of Inquiry. It would not be wise, as Sir S. Romilly had observed, rashly to change the forms of proceedings in either House of Parliament, because they were almost always found to be the result of experience; and, therefore, had some reason on their side. On this account he (Lord Brougham) suggested the propriety of instituting a previous inquiry, which would, in all probability, lead to an improvement in the mode of transacting their business. It was his intention shortly to bring forward a Motion relative to the general business of the House, and he should propose that this matter be referred to a Select Committee.

The Messengers were then called in.

BIRMINGHAM AND OXFORD JUNCTION RAILWAY.

LORD STANLEY wished to explain, in reference to a statement he had made some nights ago, that he now understood the directors of the Oxford and Birmingham Railway had not parted with their shares, and afterwards voted as the owners of these shares. Having this on an authority on which he could rely, he now withdrew the observations which only referred to a state of things, such as he then described.

The EARL of DEVON moved—

> "That the Petition of the Chairman of the Birmingham and Oxford Junction, and the Birmingham and Wolverhampton and Dudley Railway Companies (presented to this House on the 17th instant), be referred to the Select Committee on Standing Orders, with Instructions to the said Committee to report their Opinion whether, in the Case of the Birmingham and Oxford, and Birmingham, Wolverhampton, and Dudley Railways Amalgamation Bills, it might not be expedient, under the peculiar Circumstances of the Case, to dispense with the Proof of the Standing Order, No. 220, sect. 6, which requires that the said Bill shall be submitted to a special meeting of the Proprietors of the Birmingham and Oxford Junction Railway; and that the said Committee do proceed, at their Meeting on Tuesday next, to ascertain whether the other Standing Orders, applicable to the said Bill, have been complied with, and to report their Decision thereon forthwith to the House."

LORD REDESDALE hoped the House would resist the Motion of his noble Friend, and that the House would support their Lordships' Standing Orders, which had been framed for the special purpose of protecting proprietors against any improper proceedings of their directors. Every noble Lord who respected the purity of the proceedings of the House, would discountenance the Motion, inasmuch as no case whatever had been made out for a relaxation of the Standing Orders.

LORD ASHBURTON had never been interested in any railroad whatever in a pecuniary way; but he took a deep interest in the case which was under their Lordships' notice, upon public grounds. So far as he understood the matter, the proceedings of some parties appeared to be the greatest juggle to defeat the intentions of the Legislature, which had ever come under his cognizance. The Parliament clearly and *boná fide* intended to give the great manufacturing districts in Staffordshire the benefit of rival lines of railway; and how had that object been defeated? Why, after the line had been notoriously sold to the Great Western Company, according to the intentions of Parliament, the other body went into the market and purchased 35,000 shares, for he express and avowed purpose of repudiating that agreement. It was all very well to say that it was not the act of the North Western Company. If Mr. Glynn, the chairman of that company, would state before a Committee, on his honour as a gentleman, that those shares had not been bought by certain parties for the express purpose of upsetting that agreement, he would at once believe him; but he could not do so. He thought the reference to the Committee ought to be made, in order to see whether a great public object had not been defeated by a juggle.

LORD WHARNCLIFFE: Had the question before the House been one involving only the interests of the two great companies, he would not have troubled their Lordships with one word upon the subject; but he thought a great public question was involved in the question before the House. He did not think that it would be of much use to refer the matter to the Standing Orders' Committee again; he thought the Committee which had been lately appointed upon the subject ought to be revived.

LORD PORTMAN again denied that

the North Western Company had anything to do with the transaction. It was true that certain parties connected with the company had managed the transaction; but the company had nothing to do with it.

The EARL of SHAFTESBURY could assure their Lordships that the case had been most maturely considered before the Committee came to a determination upon it.

House divided: — Contents 37: Not-contents 45; Majority 8.

LORD REDESDALE then moved—

> "That the Railway Commissioners be directed to inquire into the Accommodation afforded by the several Lines of Railway now open, or in course of Construction, or projected, between London and Birmingham; and to report to this House, early in the ensuing Session of Parliament, in what Manner they are of Opinion that the Interests of the Public may be most effectually secured in regard to such Lines, and whether it is expedient that the Broad Gauge should be extended to Birmingham; and if so, in what Manner such an Arrangement can be carried into effect with the least interference with existing Interests, and with the System of Railway Communication as settled by the Act for regulating the Gauge of Railways, and what Conditions it would be desirable to annex to any Permission granted to the Great Western, or other Railway Companies to lay down a Broad Gauge contrary to the Provisions of the said Act."

The noble Lord said, that such an inquiry was absolutely necessary, because at present it appeared as if there were no means of bringing the broad gauge to Birmingham; and he thought that any inquiry on the subject ought to be entrusted to the Railway Commissioners, as more confidence would be placed in their report than in the report of any body appointed specially for the purpose.

Motion agreed to.

House adjourned.

HOUSE OF COMMONS,

Friday, June 25, 1847.

MINUTES.] PUBLIC BILLS.—1° Bankruptcy and Insolvency; Recovery of Public Monies (Ireland); Argyle Canal; Drainage of Lands (Ireland).

2° Turnpike Roads (South Wales); Master in Chancery; Master in Chancery Affidavit Office; Canada Consolidated Revenue Fund; Insolvent Debtors.

Reported.—Drainage of Lands (Scotland).

PETITIONS PRESENTED. By Mr. Kemble, from Salesmen, Buyers, and others resorting to Smithfield Market, against the Removal of the same.

HIGHWAYS BILL.

On the Motion that the House go into Committee on the Highways Bill,

SIR W. JOLLIFFE observed, that the Committee up stairs had gallopped through the Bill. They had made no alteration of importance. There were many provisions of which he approved, but there were others which he deprecated as dangerous, novel, and unconstitutional. The commissioners of highways would not have time to attend to the duties devolved upon them; and he objected to the extent of rating allowed by the Bill. The Government had neglected the subject of turnpike trusts too long; but no measure for regulating the internal communication of the country would be effective which did not include a total revision of the system.

MR. HENLEY could not think of allowing the Bill to pass through Committee when the attendance was so scanty as at that moment. The Bill gave the waywardens power to impose a rate of 2*s*. 6*d*. in the pound. A parish must have four miles of turnpike before it could have a waywarden. But it might be taxed by the waywardens of the union for a road in which it had little or no interest; its rates might be mortgaged as well as those of the other parishes. The parishioners had no effective means of checking the expenditure of the union; they had access to the accounts only after they had gone before the auditor. The inconvenience of such a system had been felt in the Poor Law unions. He objected to the powers of the Central Board in London. If the Bill were only to pass through Committee now, and not be further proceeded with at present, that it might be examined by the country in as perfect a shape as possible during the recess, he would not throw any obstacle in the way; but if the Bill was to be forced through the House and crammed down the throats of the country, its further progress ought to be stopped.

SIR G. GREY had not the least desire to force the Bill through the House, still less to cram it down the throats of the country. The measure was not a new one. With the view of securing for it that consideration which the hon. Gentleman thought it was not likely to receive in a Committee of the whole House, the Bill had been referred to a Select Committee, which the hon. Baronet said had gallopped through the clauses, and made no alteration of importance. He believed the Bill had undergone very careful consideration before that Committee; and his right hon. Friend who had charge of it would consider any objections which might still be stated. They would be better able to judge of the validity of such objections by going at once into Committee, and considering them in detail. He repeated that he had no wish to force the Bill down the throats of the country; but what he was anxious for at present was to go into Committee to consider the clauses of the Bill, as presented to the House in the amended shape in which it came from the Committee; and then they would be able to see what prospect there was of the Bill being passed this Session.

House in Committee.

On Clause 4, Enclosure Commissioners to fix the number of waywardens, and apportion districts,

MR. MILES opposed it; the interference of the Commissioners was unnecessary.

SIR G. STRICKLAND thought the Bill was not understood by the country; the public did not know that the management of the roads was to be wholly taken from the local authorities, and placed under a Government Commission; he thought, at all events, the measure ought not to be pressed in the present Parliament.

MR. BUCK considered it was throwing away the time of the House to discuss the several clauses of the Bill without coming to an understanding whether the power was to be given to the Commissioners or not; he thought the word "Commissioners" ought to be struck out of the clause, and he felt it his duty to bring it to the vote; he moved as an Amendment that the word "Commissioners" be omitted, and "justices of peace in quarter-sessions assembled" be substituted.

SIR G. GREY said, the Amendment did not raise the question fairly, and suggested it should be withdrawn, and the decision taken on the Amendment of the hon. Member for Dorsetshire.

The House divided on the question, that the words "said Commissioners" stand part of the clause:—Ayes 48; Noes 50: Majority 2.

SIR G. GREY said, that as the result of the division on this important clause of the Bill evidenced a disposition on the part of the House to condemn the measure, he would not further press it. The Government had brought the Bill forward with the sole object of remedying what appeared to be a very great evil, and under the belief that it would meet with the general wishes of hon. Gentlemen. He begged to move that the chairman report progress.

MR. AGLIONBY did not consider that the Government had met with anything like a defeat. The majority of two might be a triumph to the hon. Gentleman who had moved the Amendment; but it would be looked upon out of doors as a defeat of the wishes of the country. He sincerely regretted that the Government had thought it right to give up the Bill; he had expected from such a measure the greatest advantage to the public at large.

MR. R. PALMER thought the hon. Member for Cockermouth (Mr. Aglionby), who was not in the House till a short time ago, could know nothing about the supposed display of triumph which he attributed to Gentlemen on his side of the House. He regretted that the right hon. Gentleman should have thought it necessary to abandon the Bill, merely because that House had decided that no Commission should be appointed. He denied that there was anything like party feeling or a wish to oppose the Ministry in the vote that had been given.

MR. BANKES regretted that the Government should give it the aspect of a party question by giving up the Bill, because the House had decided that there should be no Commission. The moment the House said there should be no Commission, Her Majesty's Ministers said then there should be no Bill. The House generally were in favour of the measure, though hardly any one had spoken in favour of the great powers proposed to be conferred upon the Commissioners; and for himself he must say, that he hoped it would be introduced again, though without any proposal of a central Commission.

MR. P. HOWARD thought that the Government had only themselves to blame in not having taken care to secure a larger attendance of hon. Members. Their defeat that morning arose from their having last night pursued the very unwise and injudicious course of taking contested business after twelve o'clock at night. Hon. Members were so utterly exhausted, that they were unable to again attend at the noon of the same day. He trusted this would operate as a caution for the future.

House resumed.

THAMES CONSERVANCY BILL.

MR. WARD moved the recommittal of the Thames Conservancy Bill. The conflicting jurisdictions, he said, were such, that the efforts to improve the greatest commercial river in the world were entirely obstructed. The Crown, the city, the Trinity House, the Commissioners of Sewers, had all independent jurisdiction. To get rid of the complexity, the present Bill had been introduced. It would cut short a Chancery suit between the Crown and the corporation, during the continuance of which every improvement must be suspended. Further, a new Conservancy Board was proposed. The First Lord of the Admiralty, the First Commissioner of the Woods and Forests, and the President of the Board of Trade, were to form a body which should have a veto upon all the rules passed by the conservators. Under this Bill a duty of a very extensive kind was undertaken by the city of London. The 102nd and 103rd clauses provided for the removal of the shoals which now impeded the navigation of the river; and the city had agreed to charge itself with an outlay of 450,000*l.*, to be expended within a period of six years, for the completion of the improvements which were thought requisite. All parties concurred as to the expediency of some such measure as the present; but the great question and the great difficulty were as to the constitution of the Conservancy Board. As at first proposed, it was to consist of nineteen members, the Lord Mayor, five Aldermen, and thirteen Common Councilmen. The sense of the House, however, was at last so unequivocally expressed in favour of an infusion of fresh blood into the civic management, and the introduction of representatives of other interests, that it was thought proper to modify the Bill as regarded the constitution of the Board. It was then proposed to reduce the number of the Board from nineteen to fifteen; ten of the members to be nominated by the city, and the remaining five by the Crown, not being Aldermen or Common Councilmen. The proposal had not been accepted. He had not had any idea of recommitting the Bill; but the city had wisely, prudently, and properly revised the hasty decision to which it had come. The city had felt the necessity of meeting the views of that House, and a new proposition had accordingly been made, which it was thought desirable to bring before the Committee, that the city should nominate ten of the conservators; and as regarded the five other members, that an unlimited veto and power of removal should reside in the Crown. It was for the House to consider whether, under these circumstances, it would assent to this Motion, that the Thames Conservancy Bill be recommitted.

Mr. HUME thought that such an interference with the legislation of that House had scarcely occurred within the memory of man. He could not consent to hand over the rights of the Crown and intrust the interests of commerce to a committee of the Common Council and Aldermen. He did not think them the proper persons to take charge of the river. The Committee of that House had affirmed unanimously that one-third of the proposed Board should be chosen by the Crown from parties interested in the commerce, wharfage, and docks of London; one-half would have been a more just proportion. The city of London, however, rejected the proposition in favour of which the Committee had decided. The question was, whether, because the Common Council at the eleventh hour had agreed to accept the Bill, not as offered by the House, but as framed to please themselves, the House of Commons ought to submit to such a degradation? Were they to authorize a body to expend 400,000*l.* or 500,000*l.* (at which the improvements were estimated) without any control on the part of the Crown or community? Every shilling given to the conservators ought to be applied to the removal of obstructions. The whole of these improvements were to be effected by the corporation by means of money to be raised by way of rates and charges on the general imports into the river. Why did not the Government raise the money on the same security, and effect the improvements themselves? The evidence before the Committee showed that many of the impediments in the navigation of the river had been frequently pointed out, and the removal of them recommended; but those recommendations were never attended to. It appeared that the House of Commons was cringing to the city of London, instead of dictating to it. Great public loss was sustained by reason of the river Thames not being navigable in consequence of the shoals and nuisances that were allowed to accumulate. This was well known to the corporation of the city of London; and yet, while that body suffered this evil to exist, they did not hesitate to avail themselves of their power over the river Thames to interfere extensively with the private property that was on the river side. The present Bill would continue to them that right of interference. The amount of revenue raised by the corporation from the public traffic on the Thames was enormous. The metage of corn amounted to between 50,000*l.* and 60,000*l.* a year, a great part of which went into the pockets of the corporation. He certainly did not conceive it possible to carry this measure, before a very searching inquiry was instituted into the nature and amount of the income of the corporation of the city. He hoped that one of the first duties of the new Parliament would be, to ascertain the extent of the power of taxation exercised by that body. The recommittal of this Bill would be only making another concession to the city of London; while they were already granting it a great boon in affording it the means of expending no less a sum than 400,000*l.* or 500,000*l.*, which was to be levied on British shipping. In the course he was now pursuing, he could not be said to be taking the city unawares; for from the moment the corporation objected to the constitution of the Conservancy Board as recommended by the Committee, he furnished them with a copy of the Resolution which he intended to submit to the House. He would move as an Amendment—

> "That this House will on Tuesday next resolve itself into a Committee to consider of an humble Address to be presented to Her Majesty, that She will be graciously pleased to take immediate measures for carrying into effect the requisite Improvements in the River Thames; and to assure Her Majesty that this House will supply the means for carrying into effect these most necessary improvements."

MR. S. WORTLEY would be sorry to throw any obstruction in the way of a Bill having for its object the improvement of the river Thames. The state of that river was not merely a scandal to the corporation of the city of London, but to the country at large. But having had the honour to be on the Committee to inquire into the navigation of the river Thames, he was compelled, from the knowledge he had acquired on the subject, to oppose the Motion of the hon. Secretary of the Admiralty, and to give his cordial support to the Amendment of the hon. Member for Montrose. He thought the right thing to be done upon this subject was for the country to take it into their own hands, at whatever cost, and to bring in a public measure for the conservancy of the river Thames. The security of the public required it. The corporation of the city of London appeared to be labouring under a great delusion on the subject. They said that they had always had the conservancy of the Thames; and they also claimed a right to the soil of the river. If the corporation had that public spirit which they often professed, there would be no difficulty whatever in effecting an arrangement; because the whole value of the soil was only about 700*l.* or 800*l.* a year. But what was this conservancy? It was very true that the corporation, from all time, had been conservators of the river Thames; but what did that mean? Had they ever possessed the powers which that Bill would give them? Had they the power to raise, at once, 100,000*l.* and 200,000*l.*, or 300,000*l*, eventually? Nothing of the sort. Had they a right to call upon persons to erect wharfs on the river side, and to tell them, that if they did not, the corporation would do it at their expense? Nothing of the sort. The corporation had always and still contended that they had no power to remove the shoals in the river. Captain Bullock, formerly a member of the Admiralty, stated before the Committee, that the corporation had the right and the power, and that nobody else had the power. The evidence of every person connected with the Admiralty was in favour of transferring the conservancy of the Thames to some active, impartial, and efficient Board—such as the Board of Admiralty—and went to show that the corporation of the city of London had abused their powers; had granted licenses for erection in the water very injurious to the navigation of the river; and had proved by all their acts that their object was not the conservancy of the Thames, but to make out a case to establish their right in the soil of the river. But if the corporation were the conservators of the river, why did they not exercise their conservative authority? Their excuse was, that they had no funds. Was that the fact? The revenue of the corporation of the city of London appeared to be 210,000*l.* a year; and he found in the corporation report of 1834 a statement of the expenditure of this sum. He would mention two or three items: "Expenses of the Mansion House, 2,956*l.*; salaries and allowances to the Lord Mayor, &c., 23,000*l.*;" and then came the item, "Conservancy of the river Thames, 3,374*l.*" That was all that was spent by the corporation out of their enormous revenue towards the improvement of the river Thames. At the time the corporation became the conservators of the Thames, the city constituted the whole of London; but, now, it was only one-ninth part of the metropolis. Was it then to be said, that the whole management of the river Thames, in which, not only the metropolis —not only England, but the whole commercial world, had an interest — was it to be said, that the management of such a river was to be exclusively confided to a close corporation of that description, representing, as he had already stated, only one-ninth of the metropolis in which it locally existed? He entertained a strong opinion that this ought to be a public and not a private Bill.

Lord G. BENTINCK said, that the hon. Member for Montrose appeared tonight in a new character — as the champion of the high prerogative of the Crown — and was seeking to revive the odious privilege founded upon the principle of *nullum tempus occurrit regi.* But the fact was, that the corporation of the city of London had enjoyed a full and entire right over the soil and bed of the Thames from the time of William the Conqueror down to the present. It was perfectly true that for 50 years—the hon. Member might have said 700 years—the corporation had not been able to remove the shoals from the bed of the river; but that arose from their having no funds to appropriate to that purpose. The question now before the House was, whether they would accede to the proposition of the hon. Member for Montrose, to form themselves into a Committee of the whole House, and address the Crown to the effect that they were prepared to support Her Majesty in any supply that was necessary to carry out the improvement of the Thames. Why, the improvement of the Thames would cost 500,000*l.* sterling at least; but if the public took it up, they would have, in addition, to pay a compensation to the frontagers and wharfingers on both sides of the river; and it would be impossible to say whether one or two millions, or what number of millions, would suffice to make good the compensation. What the corporation proposed to do was, to give leave to all the frontagers on the river to advance their frontages to a particular line, which was marked out by Mr. Walker, one of the first engineers of the day; but no sooner did the corporation adopt the scheme of Mr. Walker for the improvement of the river, than in stepped the Crown to take it out of their hands. The city, with a view of setting the disputed matter at rest, had agreed to cede a certain portion of their privileges; and, with respect to the shoals, the corporation were ready to remove them forthwith as soon as the Bill was passed and the means of raising money for the purpose put into their hands. It appeared to him that there never was a fairer proposition made than that which was made by the corporation of the city of London in the present case; and he saw no "degradation" whatever in the House of Commons acceding to it. He thought that, if any party had a right to accuse another, the city had a right to accuse Parliament, and not Parliament the city. He should give his hearty support to the recommittal of the Bill.

Mr. T. DUNCOMBE said, the noble Lord had stated that there never was a fairer proposition made than that submitted by the city of London. He was not aware that the city had made any proposition at all. The House was called upon to recommit the Bill upon a statement by the Secretary of the Admiralty; that hon. Gentleman had stated, that if the House recommitted the Bill, he expected that the city of London would, in their condescension, make some suggestion to the Committee. Why, what had already occurred regarding the Committee? On the 7th June the Committee came to a resolution that the Conservancy Board should consist of fifteen members—ten to be appointed by the city, and five by the Crown. They adjourned until the 11th, in order that the city might be put in possession of the resolution. On the 11th they met, and were informed that the city could not agree to the proposition. The Committee sent another communication to the city, to the effect that perhaps they would have the goodness to make some suggestion of their own, and adjourned till the 15th, when they received a reply from the city that they had no suggestion to offer. They would have nothing to do either with the House or the Bill. Under these circumstances the Secretary of the Admiralty said, "We had nothing else left for it but to report to the House; the city is obdurate, and there is no use in going on with the clauses of the Bill." That report was now made. The Secretary of the Admiralty, in moving the recommittal of the Bill, said, he had been told the city had now some proposal to make to the Committee. He thought, but he did not know positively, that this was not a respectful way for the city to approach the House of Commons. They ought to have approached the House by petition; and the House would degrade itself by acceding to the proposition now made to it. He adhered to the opinion that the corporation of London ought to have nothing whatever to do with the conservancy of the Thames; but that it ought to be managed by a public

Board, responsible to the Crown, and through the Crown to that House.

Viscount MORPETH said, that the same reason which induced him originally not to withhold his consent from the introduction of the Bill, nor from its subsequent progress, was equally operative upon him now not to withhold his consent to its recommittal. That reason was the strong opinion which had been formed by the Board of Admiralty, acting upon the competent advice upon which they were accustomed to rely, that the Bill as it now stood would effect a speedy and an immense improvement in the navigation of the Thames, which would be indefinitely retarded by the prolongation of the suit in which the Crown and the city were now unfortunately engaged. He was not able entirely to accept the version of the law of the case as laid down by the nob'e Lord opposite. The Crown rested its claim upon the common law of the land; and the grounds upon which it was made had been acknowledged and sanctioned by the advice of successive law officers of different Governments; but the Government were unwilling that the assertion of right should stand in the way of a manifest public improvement. He was willing to believe, from such information as he had received, that such an improvement would result from the Bill, that the corporation would not merely be content to exercise the powers of conservancy hitherto employed by them; but that they would now act under the control of a superior Board, and subject to the inspection of a competent officer appointed by that Board. They would also be expressly bound to proceed immediately to the removal of the shoals which were complained of. He had been willing, as a member of a Committee, to be a party to the proposition that the city should appoint five members in addition to ten others; which five members should be subject to the veto of the Crown; but of course it must be made a matter of arrangement that the city should not suggest the names of persons whom it was not perfectly fitting for the Crown to adopt, because the Crown would insist that the great mercantile interest and the city interest and the dock interest should be fairly represented. The city, it was true, rejected that proposal. He now understood that they had thought better of it, and were prepared to accede to the proposition. He was therefore not unwilling, having been ready to come to that agreement—to allow them room for penitence. He could not think that the House in doing so were guilty of any act of degradation. The proposition which was now submitted to the House was not brought forward out of deference to the corporation of the city of London, but simply with a view to remove the inconveniences and obstructions which had been described by the hon. Member for Montrose. If the Amendment should be substituted for the Motion, no steps could be taken in this matter until next Session; under these circumstances, therefore, he would vote for the recommittal of the Bill, in the hope thereby of seeing improvements in the navigation of the Thames carried into immediate effect.

Colonel T. WOOD said, if the Government had acted a decisive part, a satisfactory arrangement would have been the result; but that he did not anticipate now; and the Government, by their vacillating conduct, had placed both themselves and the House in a degraded position. The city of London intended to raise funds for carrying out their part of the arrangement by the sale of the soil on the embankments, which was a most objectionable proceeding. The Bill bore upon its face evidence that the corporation of London had neglected its duty, for no fewer than fourteen shoals were stated to exist in the river, not one of which would have been allowed to form if the corporation had properly discharged its duty.

Mr. WILLIAMS could assure the House that the corporation represented only the lowest classes in the city; the merchants, bankers, and great traders had nothing to do with it. The noble Lord the Member for Lynn was mistaken in supposing that the corporation of London had exercised the rights of conservancy over the Thames since the time of William the Conqueror; but, granting that they had, it was no reason why they should retain it longer. The charters of corporations dating further back than that of the corporation of London, were set aside a few years back for the public advantage; and on the same ground the exclusive privileges enjoyed by the city of London ought to be abrogated.

Mr. Alderman HUMPHERY said, that although the corporation of London were blamed for not having done this and that, they had nevertheless done all that the present Bill proposed to effect; but they had not the power to compel the removal of encroachments, in consequence of the claim advanced by the Crown to the embankments. It had been invidiously remarked that the corporation derived 50,000*l.* a year from the metage of corn; but the fact was, the corporation expended that money on 2,500 freemen, constituents of the noble Lord at the head of the Government. Those men were called fellowship porters, and they worked hard for their money. Then again the coal duties, about which so much was said occasionally, were expended in improving the city of London; and he asked whether there was another town in England which could boast of such improvement as London within the last twenty-five years? He hoped that the House would recommit the Bill, and afford the corporation an opportunity of acceding to the proposition of the Government.

The House divided on the question, that the words proposed to be left out stand part of the Question:—Ayes 92: Noes 24; Majority 68.

Bill recommitted.

THE MINUTES OF EDUCATION.

SIR DE L. EVANS rose to ask the First Lord of the Treasury the following questions:—"1. Should the supporters of an existing National school, in a parish where Nonconformists are not sufficient in numbers to form a separate school, desire, in consequence, to adopt a rule of management which shall admit the children of Nonconformists with exemption from attendance at church, and from instruction in the catechism; and should the National School Society refuse their sanction to such rule, will the Committee of Privy Council on Education consider the desire on the one part to adopt this rule, and the refusal of the National School Society to sanction or grant aid under such circumstances, as reasons sufficient to form a 'special case?' 2. And in the event of the Committee of Privy Council deeming a National school, adopting such tolerant rule and practice, to be within the class of 'special cases,' will the loss sustained by such school by reason of the refusal of assistance from the National School Society be taken into consideration in determining the proportion of aid to be granted by the Committee of Privy Council? 3. It having been intimated that additional Minutes are contemplated by Government to meet the case of Roman Catholics, will the noble Lord at the head of the Government inform the House whether Congregational Dissenters, who approve the principle of Government aid to education, will have a similar measure of liberality extended to them which is thus so justly intended towards their Roman Catholic fellow-subjects, and to which they are equally entitled; to the effect that additional Minutes may also be hoped for, to enable Congregational Dissenters, upon special application, and without touching the previous Minutes as affecting Church of England schools, to accept Government aid, without being constrained to render any account to Government of the religious knowledge or duties of the monitors and pupil-teachers?"

LORD J. RUSSELL, in reply, said: Sir, I will answer the different questions which my hon. Friend has put to me, although, of course, I cannot enter into any particular case. With regard to the general principle on which the Committee of the Council of Education are prepared to act, I think it has been stated in previous debates, that if the managers of any school should think proper, while they conform generally to the rules of the National Society, not to require the children to learn the catechism, or to attend church; and thus to admit the children of Dissenters, thereby becoming, as I believe, separated from the National Society, the Committee of the Council of Education will feel themselves at liberty to extend their aid to such schools. As to the second question, the loss to the schools owing to the refusal of the National Society to give assistance, each case must rest on its own merits, and each case will be considered on its own merits; and aid will be given to Church schools generally which admit Dissenters, in aid of local subscriptions in each district. With respect to the third question, the regulation has been introduced not only to meet the case of Roman Catholics, with respect to whom a Minute has been prepared, and the draught of which has been submitted to the Catholic Institute; but it has also been introduced to meet the objections held by Congregational Dissenters—objections which I think of an extremely refined nature—but which I still think ought not to prevent aid being given to schools which would otherwise be assisted. The Government Minutes would be satisfied without the inspector giving an account of the religious examination of the schools, if the managers of the schools should say that they were satisfied. This, I think, would amount to no interference; but many Congregational Dissenters who entertain strong religious opinions, and who are remarkable for praiseworthy conduct, think that this is some interference; and if the Privy Council are satisfied that this may be made a ground of religious objection, they will not require that the local managers shall state that they are satisfied. A Minute on the subject has been prepared; it lies by for consideration; but it will be probably adopted at an early meeting of the Privy Council. With regard to the Roman Catholics it is right to state, to prevent any misapprehension, that the regulations will relate to future grants only, and that the grants now made will be administered strictly in accordance with the declarations made in this House. We shall endeavour to extend education by Parliamentary grants as widely as possible; but with respect to grants already made, they will be distributed according to the declarations made in this House at the time they were granted.

CAPTAIN WARNER'S INVENTIONS.

On the question that the Order of the Day for a Committeee of Supply be read,

VISCOUNT INGESTRE said: If, Sir, on former occasions, when it has been my duty to bring the subject of my present Motion under your attention, I have felt it necessary to crave the indulgence of the House, still more do I feel that necessity on the present occasion, when I cannot but be aware that the subject has become stale and wearisome; and when I have not only an adverse report to contend against, but also the authoritative *dictum* of the hon. and gallant Member for Liverpool near me, given—I will not say how fairly—that the whole thing was the greatest humbug that had ever been attempted to be palmed on the gullibility of the British public. I shall not pause to inquire what grounds the hon. and gallant Member has for pronouncing that opinion, knowing, as I do, that he has never had an opportunity of forming his own deliberate judgment on the matter, and that he must necessarily have taken his facts from hearsay evidence. Neither will I dilate on the manifest injustice of an opinion being so expressed by so high an authority as the gallant Officer, in answer to a question put to him by an hon. Member when no reply could possibly be given. I cannot conceal from myself that the whole tone and temper of the hon. and gallant Member in this matter, from its very first introduction to him, has been marked, not only by a contemptuous dislike for the unfortunate inventor, but an ill-concealed determination to swamp him and his inventions; as if, in tendering a valuable discovery for the benefit of his country, he had caused some personal injury to the hon. and gallant Member. The whole matter, as between the hon. and gallant Member and Captain Warner, is, that one is a scientific man, and the other is avowedly not one; but still he can accomplish, with all his ignorance, whatever the hon. and gallant Member can perform; whereas the gallant Officer cannot perform one tithe of the feats of the unlearned subject of his vituperation. It is equally apparent to me, that the right hon. Baronet the Member for Tamworth, whose absence I regret on this occasion, from the way he put some questions in the early part of the Session, participates strongly in the feelings of the hon. and gallant Member; and I am sensible, from the general laughter with which his remarks were received, that I have also the prejudices of a large portion of this House arrayed against me. Fully aware, Sir, of these difficulties, but still undismayed by them, and being actuated by no overweening confidence in myself, but acting from a conscientious sense of duty, I feel compelled to bring the matter once more under the consideration of the House. I trust that in so doing I may be acquitted of any obstinate adherence to my own opinions, and that my perseverance may be attributed to its true motive, that the House and the country should be made fully aware that their attention is invited to a matter of great public importance, and which it is most desirable they should understand, before they are called upon finally to reject inventions not yet fairly investigated. Much, Sir, having been said in former debates on this subject calculated to injure Captain Warner, I shall shortly endeavour to remove those erroneous impressions. First, in August, 1842, it was said by the hon. Member for Salford, that these inventions had been offered for sale to other Powers; and an anonymous letter was read by him to the House, setting forth that Captain Warner had sold them to Don Pedro for 500,000*l.*, but that he constantly evaded the carrying out the contract unless the money was paid down. The whole of this statement was publicly denied by Captain Warner. The anonymous correspondent was challenged to give his name and his authority; and I am now prepared to produce official documents which will show the real nature of the contract with Don Pedro, and the service on which Captain Warner was employed, with the sanction of His late Majesty William IV.; but perhaps it would be sufficient were I to read to the House a letter I have received from General Sir John Milley Doyle. He was a party to all their transactions, and cognizant of all the facts :—

"Osmond's Hotel, Strand, June 11.

"My Lord—I have been requested by Captain Warner to state, for your Lordship's information, what I know of his conduct in Portugal during the period he was connected with the service of Her Most Faithful Majesty, under the Emperor Don Pedro, respecting which some injurious representations, on anonymous authority, have been reported as been made in the House of Commons by Mr. Brotherton. During the whole time that Captain Warner was in Portugal, I was aide-de-camp to Don Pedro, and constantly acted as interpreter between His Imperial Majesty and Captain Warner, who was present at the siege of Oporto by the Miguelite forces. Don Pedro, I know, had the highest opinion of Captain Warner; and the confidence he openly placed in him, the authority with which he from time to time armed him, was supposed to have excited the jealousy of many officers as well Portuguese as British auxiliaries; and to that feeling may, perhaps, be attributed the disparaging rumours of which Captain Warner had so much reason to complain. During Captain Warner's stay at Oporto, and off it, with his schooner — it very often, at that period, being the only armed vessel on which Don Pedro could rely—Captain Warner was prevented, I understand, by the command of His Majesty William IV., from using his destructive implements on shore; and for reasons which can only be known to the then commanding officer of the Queen of Portugal's naval forces, he was not allowed to operate, as he expressed his desire to do, against the Miguelite squadron, then retired into the Tagus. But he did good service to Don Pedro's cause on several occasions by his judicious and ingenious suggestions of the disposition of many of the batteries, and especially by his once landing a quantity of gunpowder by means of his own boats in a heavy gale of wind, when Don Pedro had no boats in the Douro fit for this hazardous service—and rendered, moreover, at a critical moment, as the garrison were reduced to their last barrel of powder. Presently after, Captain Warner proceeded to England with a contract from Don Pedro to return with a steamer armed and fitted out after a fashion of his own, and to employ it in Don Pedro's service. Captain Warner, however, as I have reason to believe, having been induced by His late Majesty William the Fourth to abandon foreign service, never returned to Portugal. I repeat, that during Captain Warner's service under the Emperor Don Pedro, he enjoyed his Imperial Majesty's esteem and confidence, as well as that of the Portuguese Ministers. Some of the British auxiliaries, whom Captain Warner certainly took no pains to conciliate, were unquestionably unfavourable to him, and to them have been attributed the calumnies to which an undue credit has been given by some Members of the House of Commons. I have had no intercourse with Captain Warner for many years; I have no connexion with him now, nor any interest in his inventions. I am moved by a simple wish to do justice to a gallant and meritorious man, who I think has been harshly used. I authorize your Lordship to make any use of this communication you please, and have the honour to be, my Lord, your obedient humble servant,

"J. M. Doyle.

"The Viscount Ingestre, R.N.,
C.B., M.P., &c."

Again, Sir, much prejudice has been excited by an answer given by Captain Warner to a question asked him by the hon. and gallant Member for Liverpool about the destruction of a privateer. In the first place, I would observe, that Captain Warner had no idea that the questions and answers were being taken down in writing; and he justly, I think, complains, that if they were to be so taken down, he was not made aware of it, and his answers shown to him afterwards, that he might affirm or deny their correctness. Secondly, the answers given prove the loose way in which the questions and answers were taken down, inasmuch as Folkestone and St. Valery are nearly opposite to each other in the Channel, and the whole thing evidently refers to one transaction, although a reference to the questions and answers before alluded to would give the notion that Captain Warner asserted he had destroyed privateers on two separate occasions. Lastly, can any one suppose that any man engaged in the sort of secret service he was then employed in, changing his vessel or her rig almost every day to avoid recognition, was likely to make a minute entry in a log book, a log being probably never kept at all; and that an accusation of falsehood was to be made because no record could be found at the Admiralty—more especially as the Admiralty had nothing whatever to do with Captain Warner? I should indeed have been much surprised if there had been any. I cannot omit to notice also the prejudice created against Captain Warner by the speech of the right hon. Baronet (Sir Robert Peel) in August, 1842, stating, that—

"Mr. Warner, before he would proceed to try any experiments, required that a sum of 400,000*l*. should be guaranteed to him by Her Majesty's Government in the event of his being successful."

On the 25th of the preceding May, Captain Warner wrote a letter to the right hon. Baronet, in which is the following passage :—

"I am contented to leave the question of amount to your decision as to what you may consider, under all the circumstances of my case, and with reference to the value of my discovery, the rate of my remuneration ought fairly to be."

He stipulates, in addition, a personal conference with the right hon. Baronet, and the appointment of a third commissioner.

Again, in a letter addressed to Sir George Murray, then Master General of the Ordnance, on the 6th of the preceding month of July, is the following passage:—

> "I observe in your letter that you twice dwell upon the large remuneration I ask. I have already expressed, and I repeat, my readiness to leave the amount to your own arbitration; no difficulties shall be presented by me on this head."

I must also refer to the wish expressed by the right hon. Baronet in his letter to Sir George Murray, October 5th, 1841, in which he says—

> "Could not the Ordnance make a shell of their own by way of experiment, with nitrate of silver, or whatever constitutes the most powerful exploding matter, and try the effect of that concurrently with Mr. Warner's?"

But, Sir, allow me here to ask, what on earth have all these questions to do with the merits of the case? Whether Captain Warner was entitled to be styled Captain or not, and other puerilities of that description. What we want to ascertain is, has Captain Warner, or has he not, made valuable discoveries, which are likely to be useful to the country, or detrimental to it if in other hands? Anxious, Sir, to avoid wasting the time of the House, I will merely state the broad fact, that during the Administration of the right hon. Baronet, no satisfactory arrangement could be arrived at. The subject might have been looked into with a determination to get at the truth. The inventor, instead of being treated as an impostor, and insulted with a string of petulant, pedantic, and irrelevant questions, might have had evinced towards him a disposition to treat him with decent respect, consistently with a determination to guard the public interests against imposture and deceit. But it was too manifest that the astounding invention of Captain Warner—so completely upsetting all previously conceived theories and practice—had arrayed against him a powerful clique of those interested in the maintenance of the present order of things. I make no doubt that if Captain Warner's plans had been merely the production of some projectile power that would only exceed that now in use, retaining those existing means, he would not have met with the absurd and petty professional jealousy he has had to contend with. Now, Sir, with respect to more recent transactions. Shortly after the accession to power of the present Government, I had an opportunity of bringing this subject under the attention of the noble Lord the Member for the city of London, and I was met by him with every courtesy and attention. The plans were shown to the noble Lord. Two commissioners were appointed, and approved of without hesitation by Captain Warner. It was asked, and at once conceded by the noble Lord, that to prevent any misunderstanding, I might be present at all the meetings of the commissioners, and at all trials, and that I should sign all records of the proceedings, so that I could not afterwards question their correctness. It was also further agreed that all reports were to be considered as most confidential, and were to be given to Lord Anglesey as Master General of the Ordnance, in the presence of the noble Lord at the head of the Government, and in no way to be laid before the Board of Ordnance. After a preliminary meeting or two, and the instructions to the commissioners had been read over to Captain Warner, and approved of as most proper and just, an experiment was decided upon, which was to be conducted with great secrecy, and Captain Warner gave an estimate of the expense, and the money was advanced to him, upon his giving security that it should be duly expended in the experiment. Some considerable time elapsed in finding a suitable spot combining the requisites of affording sufficient scope and facilities for carrying on the operations with secrecy and without observance; and at last, with the kind permission of Lord Anglesey, Cannock Chase was selected. I wish to speak with all respect of the two commissioners, both officers of distinguished character; but I must remark that in their journal an impression is given that an unnecessary delay was created by Captain Warner. The delay was occasioned by the desire of the commissioners that an additional weight of shot should be carried beyond what was at first mentioned, and which wish, although involving the purchase of a balloon of greater capacity, Captain Warner was anxious to comply with without hesitation. Now, Sir, as to the report itself. The commissioners' report is very short. They pronounce the experiment to have been a failure; and I must say, that in so doing, in my opinion they have come to a very wrong and hasty conclusion. They remark that Captain Warner had the choice of the place of operation. This was to a certain extent true, as I had selected it, and Captain Warner and Colonel Chalmer had both agreed to it. They state that he also had the choice of direction. This is also to a certain extent true; there was a tree on this common, in which direction the greatest scope was afforded; and, therefore, if the wind proved suitable, that was doubtless the direction in which Captain Warner wished to operate. But Captain Warner always said, "If I am in a fixed spot, and I am to operate in one direction only, I must wait for a wind in one particular quarter." If, as would have been but fair, when laying these papers before the House, the original trial required by the commissioners, and written in the journal of the proceedings, and signed by myself, had been produced, it would have been shown that Captain Warner never undertook to aim at any particular object, but merely that he would convey the prescribed weights the prescribed distances. The day before the experiment he received a most urgent letter from the commissioners, calling on him to perform his experiment, or to remove his apparatus to a place where he would be able to operate with greater chance, from having wider scope. This would have been tantamount to throwing all the expense already incurred entirely away. On the morning of the experiment, thinking the weather might suit, he summoned the commissioners, having first sent up a pilot, by which he ascertained the true wind to be N.W. instead of N., and being told he might safely drop his shells four miles in that direction, towards the town of Rugeley, and having been told by Colonel Chalmer that he would be satisfied with four miles, he determined to let it go. Colonel Chalmer, it was understood, should be stationed a short distance from where Captain Warner was to see the direction of a pilot to be let go shortly before the main machine, and then let Captain Chads and Lord Anglesey, who were stationed at a considerable distance forward, know in what direction they were to expect it. This, from some mistake, he neglected to do, and the consequence was considerable delay, arising from Captain Warner not knowing whether to let the balloon go or not. However, he did let it go, and after it rose out of the hole in which it started from, and clearing the eddies, it took a direct course to where its last flight of shells was dropped, at a distance of upwards of four miles, carrying double the number of shells required by the commissioners, and dropping them in divisions in a continuous line. With respect to the balloon twisting about, this was after it had discharged its cargo, and when it was making its descent after the gas had escaped. Two shells remained in the frame, which had been originally put there for the purpose of destroying the balloon and the frame, but from which at the last moment the communication was cut off with a view to save the balloon for another trial, if the present one should not have been thought satisfactory. I should not omit to remark that shot, and not shells, were used, and that consequently they were very difficult to find, buried as they were at a depth of four and five feet deep in a hard shingley substance, in ground covered with heath; and which difficulty of finding them was why the ground near Shoe Bury Ness would not do, as it was a quicksand, and where not only a favourable wind was required, but also necessary that the tide should be out. The commissioners did not think proper to remain to see where the shot fell, which was a main, if not the only object of their commission; but some were dug out in the presence of the Master General of the Ordnance, who also examined the frame from which the shells were projected, and from which it was evident they were projected in divisions as Captain Warner had described. I had the advantage, which the commissioners had not, of seeing the places where the shot fell, and am prepared to state that they fell in a direct line from the place of starting, and attained to a distance of upwards of four miles. I am told that the hon. and gallant Member for Liverpool is in possession of a diagram, describing the course of the machine. How he is so I cannot understand, as it was expressly stipulated that all reports were to be made to the Master General of the Ordnance, and to him alone; and I am prepared to show that if there was anything tortuous in the course of the balloon, it was only when it was rising from the valley from which it started, and at the end of its course when it had discharged its missiles. Be this, however, as it may, I think it is unprecedented that any invention should be condemned on a single trial. Moreover, Colonel Chalmer stated to me the day after the experiment, that there could be no doubt as to the power of going the distance required, or any other distance, and what was required to be ascertained was, that the direction could be made certain, and that the missiles could be dropped with precision. To this I replied that these two points could be easily ascertained by stationing a person dead to leeward, and starting a quantity of small and inexpensive balloons to note how near they came to each other in a direct line;

and that nothing could be more easy than to suspend the frame to which the shells are appended, and desire Captain Warner to cause them to drop at any intervals of minutes or seconds he might be required. This, Colonel Chalmer replied, would be most satisfactory to him, and this Captain Warner consented to do; but I have heard nothing more of Colonel Chalmer, and the only result is an adverse report without sufficient inquiry. Much has been made of an admission on my part—I would almost say an extorted admission—that the thing was a failure. Doubtless, I used the expression; but it was before I knew that Captain Warner was not to fire in the direction of the oak tree, but only in the direction that the wind at the time would admit of. If advantage is to be taken of expressions that fell from me, I may equally take advantage of expressions that fell from others; and I would ask, what is the meaning of the Master General of the Ordnance saying "that it was a pity Captain Warner's brains were not knocked out long ago, and that he hoped it would be a failure?" Here, I must complain, that, according to the stipulation agreed to in the outset of these proceedings, I was not consulted as to the report, and the facts connected with it, and that the commissioners made a report upon one single trial, made under the most adverse and difficult circumstances, and without a sufficient examination of the result. The noble Lord, with characteristic fairness, sent me a copy of the report, and permitted me to make my observations upon it, which I did in a letter bearing date the 12th December, 1846. Captain Warner was also permitted to add his observations, and in the latter part of his letter occurred the following passage:—

> "The commissioners remark that the principle of action will be always discovered on the first exhibition. I am as sensible as those gentlemen of the impolicy of publicity; hence the patience with which for years I have endured ridicule and injurious imputations, rather than make a public exhibition. But I beg to observe that very many years will probably elapse between the first revelation of the motive power I employ for my long range and the method of employing it with precision as a vehicle for the distribution of destructive substances; and if its first exhibition should be in actual warfare, the country against which its terrible agency is directed will be little comforted in its crippled condition by discovering too late the source from which its destruction has issued."

This paragraph produced from the noble Lord the following most extraordinary letter:—

> "Sir—I am desired by Lord John Russell to acknowledge the receipt of your letter of the 16th inst. With reference to a passage in the latter part of your communication, I am directed by his Lordship to inform you that should any British subject be found in arms, or in a hostile manner aiding and assisting a Foreign Power against his own country, he will immediately be brought to trial for high treason.—I have the honour to be, &c. "R. W. Grey."

This was replied to by Captain Warner, giving to his Lordship, as acknowledged, a satisfactory explanation of the passage in question; and the end was a refusal on the part of the Government to entertain any of his inventions. I feel personally so grateful to the noble Lord for his conduct in this matter, that I do not wish to dwell on this part of the subject, nor to the unfairness of withholding these explanatory letters, when the papers were moved for by the hon. and gallant Member, and by the right hon. Baronet. Sir, I was always most desirous that the mode in which these missiles were sent should be a secret, not for the inventor's sake, but that such a wholesale mode of destruction should not be generally known, even with much inferior explosive powers; and hence the reserve I have always held on this subject. But when, Sir, I found that the report was current in London both at the Ordnance and Admiralty Boards a few days after the experiment was made, that such was the agent employed, I felt that it was an injustice to Captain Warner that the report only, and that an adverse one, should be laid upon the Table of the House, without the explanations before alluded to; and for that reason I urged upon the noble Lord, that if he allowed anything to be published in the matter, he would allow all to be made known. Sir, I think it is most unfortunate that such publicity should be given to the matter; but still there remains the secret, not only of how the balloon is managed, but also of the extraordinary explosive power it is quite evident Captain Warner possesses, and which he was desired not to use in this experiment. I cannot forbear to allude to the circumstance, trivial enough it is true, but sufficient to show how every trifle has been made use of to throw a slur and a doubt on these proceeedings. I have before mentioned, that Captain Warner had to purchase a balloon; this he did from the noted Messrs. Green; and wanting necessarily some persons to aid him in the manual labour of making the gas and inflating his balloon, he employed one of the Messrs.

Green. This gentleman went, for the sake of secrecy, by a feigned name, as, by the by, did Captain Warner himself, and also one of the commissioners, to whom I addressed a letter by way of precaution in another name than his own. Wishing to take up as little time as possible, I will not further advert to this experiment than to say I think it was most incomplete—that Captain Warner, in my presence, offered to repeat it, and to obey any suggestions made to him. I would now shortly refer to the other invention, the "invisible shell:" in my opinion the most valuable to us as a means of defence in an insular position, making us comparatively secure from invasion, and a great preventer of bloodshed, by enabling us to blockade a fleet in any hostile harbour, and preventing their coming out; and withal a most economical plan, as compared with the heavy outlay we are contemplating for harbours of defence. The efficacy of this was most fully proved off Brighton in 1844, and I have only to refer to the report of Colonel Chalmer and Captain Caffin to confirm it, although the Government of that day refused to be made acquainted with the mode in which it was done; and I can only regret that the Government should peremptorily reject all Captain Warner's inventions, because one was supposed to be a failure. Sir, after all the virulent animosity that has been manifested by the hon. and gallant Member for Liverpool on this subject, I expect to have a learned and perhaps pedantic diatribe upon the merits of these questions—that I may be told that gas cannot be carried in tanks—and that no provision is made for its expansion in different atmospheres; all this may be said to be contrary to the laws of nature, and all the dogmas he studied in early life. Be it so; to all this I answer by anticipation, you speak without book; you have never condescended to be informed or instructed in the matter; and, moreover, that the same obstacles might have been and were advanced against the introduction of gas, steam, electrical powers, and of all the useful sciences that even with my limited experience I have seen rise from these difficulties, and obtain the sanction of mankind. Sir, I feel a great responsibility in thus taking up the time of the House, and thus obtruding my opinion; but I am justified by officers of high standing and great reputation. First, I have a report to his late Majesty William IV., signed by Sir R. Keates and Sir T. Hardy, forwarded to me, I believe, by a relative of one of those distinguished officers; but as it did not reach me in an official form, I will not make use of it. Secondly, I have the report of Lieutenant Webster, a man selected to examine these things solely on account of his long and meritorious services. And, thirdly, I have at a later date the unsolicited opinion of a talented and disinterested officer, Captain Harvey. Here, then, Sir, I rest my case: firstly, that the experiment, however fairly entered upon, was incomplete, and was no failure, and that the Commissioners reported without a thorough investigation; secondly, that the other invention, for the defence of harbours, roadsteads, &c., has been proved to be eminently successful, and therefore ought not to be condemned, even if the long range was worthy of the designation given it by the hon. and gallant Member. I am aware, Sir, of the difficulty of introducing a subject of this description to the House, rendered, as it is, wearisome by the frequent repetition, and by being imperfectly understood by the great majority of people, who look on the matter as out of their province and not within their capacity, and by a considerable number who fully know the magnitude of these powers, but who dislike the inventions, and are determined by all means to throw them into the back ground. I can confidently tell all such that these efforts will not succeed, and that sooner or later truth will prevail; that patriotism may sometimes burn as ardently in the humble breast as in that bedizened with stars and decorations; and I can also add, though not without fear that, according to the noble Lord's views, I may be indicted for misprision of treason—that these inventions cannot remain where they are—and that perhaps we may awake as from a dream and find these extraordinary and wonderful powers used, not only for the certain destruction and annihilation of all our commercial marine, but also to the humbling the British flag, when proudly waving over the sea. and bidding defiance to the world. I have only, in conclusion, to apologize to the noble Lord for the form of bringing forward this Motion, which more or less implies a degree of hostility, and which I have only adopted to insure my having an opportunity of getting a hearing; and, thanking the House for the attention they have paid me, I beg to move for a Secret Committee composed of civilians, Members of this House, who are as capable of judging of this matter as professional men, and without their professional prejudice, before whom I would have examined not only the commissioners but the Master General of the Ordnance, and all parties present at the late trial, who I fearlessly assert could not but give evidence of these extraordinary powers; and I feel assured that Committee would have proved before them that not only can Captain Warner discharge these powerful missiles, but direct and control them. The noble Lord concluded by moving as an Amendment, that a Select Committee be appointed to consider the report of the Commissioners appointed to investigate Captain Warner's invention.

Mr. HOLLOND seconded the Motion; he hoped the Government would grant the Committee. It was very desirable that this invention, as it was termed, should be demonstrated to the country to be nothing more than a deception. He wished for a Committee, to go into the facts, because the successful experiment at Brighton did not seem to have been accomplished by means of the same agency employed in the experiment upon which Colonel Chads and Captain Chalmer had reported. There was no balloon used at Brighton; at any rate nobody ever saw a balloon; and it was subsequent to that experiment that Captain Warner had applied to Mr. Green, the well-known aëronaut, requesting his services. He would state to the House the substance of a letter which he had received in reference to this affair from Mr. Green. That gentleman said that he had three years ago first constructed a balloon for Captain Warner, and that in August last that individual, giving the name of Palmer, had again called on him, requiring him to construct another balloon, which would be capable of taking up about 500 lb. Mr. Green was told that the balloon would be paid for by the Government; that it was to be applied to an experiment undertaken at the direction of the Government; and that, if the result was successful, the balloon would be returned, with adequate remuneration for the services employed. He was taken down to the Marquess of Anglesey's estate, and he inflated the balloon. A ponderous machine, as he described, was placed about sixty yards to windward of it; and after some delay this was attached to the neck of the balloon, which then was loosened from the ground. It ascended at a great velocity to an immense altitude, changing its direction with different currents, until it burst in the air from the great expansion of its gaseous contents, caused by the rapidity of its ascent into so rarefied a medium. The gunpowder in the machine, it proved, when the balloon was recovered, had not exploded. The greatest secrecy was preserved in the business; the people concerned went by assumed names; and Mr. Green, in his own words, had "turned Brown, as many greens do at that time of the year." He now complained that none of the articles or the apparatus which he had lent to Captain Warner for the experiment had been restored to him, and he had been left in ignorance of the address of that gentleman. The letter continued:—

> "The week before Easter, his servant called to say the things I left in Mr. Palmer's care would be in town to-morrow, and should be sent to me next morning, and that he had orders from Government to sell the balloon for what it would fetch, and they expected to get 200*l.* for it. I told him I was satisfied Government had nothing to do with the selling of it; but if he brought it to me with articles I left with Mr. Palmer I would examine it, and say what it was worth to me. The balloon came, but nothing except that. On examining it I found it in so mutilated a condition, and the texture of the silk and net so much impaired by its having been packed up wet from November to that time, that I declined having anything to do with its purchase, and wished to know how, and by whom, I and my brother were to be remunerated for the great loss of time and expense we had been put to. He said Mr. Palmer would call on me in a few days, and my things would be returned safe in a day or two; but if I did not purchase the balloon he must take it back. I told him it should not leave my premises until I got my property. The same afternoon he brought me a letter he said from Mr. Palmer—in which letter this Mr. Palmer, for the first time, acknowledges by his signature (without any address) that he is no other than the notorious Captain Warner, and states that he purchased the balloon for Mr. Palmer, whose property it is, and if I did not immediately give it up, legal means would be taken to compel me. Still refusing to give it up, till I either got my property or its value, I was served with a copy of a writ, which my attorney, Mr. Spencer, settled for 3*l.*; this writ was at the suit of Mr. G. Palmer, and issued, by an attorney of that name, who charged 9*l.*, which Mr. Spencer got reduced to 3*l.*"

Mr. Green, therefore, believed the alleged invention was a mere deception, and he petitioned the House to compel Captain Warner to return the apparatus. Considering that 1,300*l.* had been spent upon a man who did not even give his address, or let any one know where he lived, it was not asking too much to require that he should restore to their owner the various articles which Mr. Green had made use of in preparing the balloon for the experiment. He hoped that the House would grant the

Select Committee, but that it would refuse to make it a Secret Committee. It was much to be wished that the public should be made aware of the little value of the suggestions of Captain Warner; and there could be no objection to agreeing to the proposal of the noble Lord, if no fresh supplies were asked for any further experiments.

Mr. BROTHERTON wished to detain the House a few moments, while he replied to the observations of the noble Lord, in reference to some statements which, on a former occasion, he (Mr. Brotherton) had thought it his duty to make. The charge urged by the noble Lord was, that he had read anonymous letters to the House, and that he had no foundation for assertions contained in those letters. He knew nothing of Captain Warner, and cared nothing about him; his only object in reading those letters had been, not to injure Captain Warner, but to protect the public purse. The facts were these—he had received letters from a gentleman at Madrid stating that Captain Warner had offered the supposed invention to Don Pedro for a certain sum of money; but that nothing had resulted from the offer, inasmuch as Captain Warner would not explain the invention until he had obtained the money; and the parties who were to be the purchasers did not think it wise to deposit the price until they knew what they were about. He had received also a letter from Colonel Sir C. Shaw, late commissioner of police at Manchester, in which it was represented that some time ago, at Oporto, Captain Warner had been called on to destroy a battery with his invention, and that after every facility had been offered to him he delayed from day to day, and behaved in such a manner that Colonel Shaw was led to believe that it was "all humbug." Captain Warner had written a letter to the *Times*, contradicting all that he (Mr. Brotherton) had said, and all he had read from these letters; he had not answered that letter, because he thought it was the duty of Colonel Shaw to do so; and when the experiment which was afterwards made had been tried and failed, Colonel Shaw then wrote, apologizing for not having noticed Captain Warner's letter in the *Times*, but reiterating every one of his former statements. All he had now to say was, that as 1,300*l.* was already gone, he hoped the Government would not advance any more money.

Lord J. RUSSELL: I should have hoped that this question might have been set at rest by the experiments to which the noble Lord has alluded, without the appointment of a Select Committee, and indeed without further debating the point. The obligation under which I placed myself, to sanction any experiment at all, was less from any hope I had of a successful result, than from the persuasion that many persons entertained the idea that Captain Warner had made an invention of great value, which, by means of what he called the "long range," would send a projectile, as it was understood to be, a distance of five miles with a certainty of aim and secrecy; and it was only in consequence of that persuasion that the Government was induced to think some experiment ought to be tried, with a view to dissipate all doubts on the subject. A commission was originally appointed, composed certainly of very able men, and that commission was in a fair way to set the whole question at rest, when, from some reason or other, not well explained, Captain Warner objected to their further proceeedings. The gallant Officer opposite can explain better than I can what took place under that commission. When the Government agreed to the request that they would institute some experiment, I thought the best course I could take was to ask the First Lord of the Admiralty and the Master General of the Ordnance to name to me two officers of experience and ability to whom this question might be referred, and through whom any experiment might be tried. I agreed with my noble Friend the Marquess of Anglesey, at the same time, that the long range, being the matter of the greatest difficulty, of the greatest importance if it succeeded, and altogether that to which the public attention had been most turned, should be taken as the test of these inventions of Captain Warner. The noble Lord who has made this Motion, agrees, I think, that the terms proposed were altogether fair; and he has borne testimony this evening very handsomely to the manner in which the Government showed its willingness to see if there was anything practicable in this invention. The officers appointed—Colonel Chalmer and Captain Chads—were men of ability and experience, and perfectly competent to the task assigned them. They understood that the Government desired some decisive experiment to be made. At the same time, with regard to the expenditure, I said the experiment was to be made, and that, on the part of the Treasury, I would undertake to authorize such an expenditure as they should declare to be necessary; but I directed them not to incur any expenditure not absolutely requisite for their purpose. They were told, in the first instance, what was the nature of the invention; and they declared at the very commencement that their first impression was, they did not consider it capable of realizing that certainty of aim, that impenetrable secrecy, and that power of being used under all circumstances, which Captain Warner had always ascribed to the long range. Their impression was unfavourable; but, nevertheless, as they understood an experiment would be desired, they thought that 1,300*l.* might be the extent to which advances should be made with that object. Well, then, as the commissioners say, the ground was chosen, if not by Captain Warner, by the noble Lord who has been always the intimate ally of Captain Warner in all these inquiries. I do not mean to attribute any undue degree of credulity to the noble Lord; but he has always been considered as co-operating with Captain Warner. The commissioners waited for some time for their experiment to be made; and at last, as I had always stated the experiment was to be made under conditions to be settled between the commissioners and Captain Warner and the noble Lord, a spot, called the "Fair Oak," was fixed upon as the point to which the long range should be directed. The noble Lord says, it is inconceivable that persons should go and place themselves at the very point to which it had been arranged that the projectile should be directed. I do not wonder that those gallant officers, knowing the balloon was to be the mode employed, should have ventured to station themselves exactly at that spot. I own my apprehension was, when the secret was committed to me, not that Captain Warner should destroy some particular object appointed to be his aim; my fear was, that he would destroy something very wide from the aim; and when the commissioners informed me that, at one time, there was a question as to trying the experiment on the Downs, in Sussex, I said, "Well, I hope you will take care there are no villages on one side or the other, because I am afraid that the shells may not fall on the downs, as intended by Captain Warner, but on the villages on either side, and do serious injury." The officers, however, did take their post at the Fair Oak. They waited for some time; and my noble Friend says it was necessary that there should be a particular wind in order that the balloons should go in a certain direction. [Lord INGESTRE: From a fixed spot.] Exactly, from a fixed spot; but, then, unfortunately, that necessity exposes the defect of the whole invention. They were to go to S.S.W.; let the direction be what you like, it was impossible, except under certain circumstances, that the balloon should precisely reach the point desired; and those circumstances were such circumstances as Captain Warner could not have commanded, had he stayed there, not for three days or a week, but for three years. It is not merely necessary that there should be a wind exactly in that direction, from the one fixed spot to the other fixed spot; but it is necessary that the wind must have a certain force and velocity, so as to carry the balloon in the very same time as the pilot balloon. If that is not so, the experiment fails; and if, at ten in the morning, as the noble Lord says, the wind was going at the rate of ten miles an hour to carry the pilot balloon at that rate, and if afterwards, at four in the evening, the wind was going only at the rate of four miles an hour, and would carry the larger balloon no faster, though still going in the same direction, in that way the experiment would fail. So that unless you have the wind going in the direction you wish, and at that velocity according to which you had made your calculations, the experiment would be sure to fail. And that, in fact, makes the whole worthless, because what you would want, in war, is to be able to go from some spot fixed in order to aim at some other object likely to be fixed; and if the wind is not in that direction, or were to vary in velocity after having despatched the pilot balloon, you would fall short of the mark, or on one or other side of it. And let me here state that what I understand from these papers was, the expectation of the officers was borne out by the result. It was said that a certain number of these shells or balls were to be dropped at distances of three, four, and five miles. The noble Lord says it was afterwards agreed that they should not go more than four miles, and that they should go in a certain direction. The result was that five fell within one mile of the place to which the balloon was sent, and that a great many others fell at different points, some of them a mile and a half and two miles to the east-ward of the points for which they were intended, thereby proving that their discharge would have been a total failure if they had been used in war. It was found that the balloon, as the noble Lord says, "wabbled" in its course; it crossed in an easterly direction and disappeared; and, as I have already observed, the projectiles never reached their destination; that, in short, these balls were not found to answer at all to the engagement that had been taken that they were to fall at certain spots and fixed distances from the place from which the balloon was sent out. The commissioners very properly said, in their letters of the 21st of August, that what they had in view was, to ascertain in the first place the "certainty of aim" which Captain Warner promised. But there was no certainty of aim whatever. The next thing was, "the power of using it under all circumstances;" but it was perfectly evident that there was no power of using it under all circumstances. The noble Lord seems to think that we ought to give Captain Warner the opportunity of making the experiment with the wind more favourable to his object, or without any wind; but this could not be done when engaged in actual war; and the projectiles would then be of no use unless there was a hostile army on every side. Unless in each particular case the wind was found favourable—as, for example, that the south wind should blow when it was wished to send them to the north, and the north wind when it was wanted to project them towards the south—the employment of these missiles would be entirely useless. The third condition of the experiment was "impenetrable secrecy;" but this, after the experiment had been gone into, was impossible. There were various attempts to conceal what was going on. Mr. Green, as we have heard, took the name of Brown, the more effectually to carry out concealment; but, notwithstanding these disguises, it was evident that not merely the Admiralty and the Ordnance must have known the secret, but that it would come to be known that a balloon and a number of shells or balls had fallen, and thus the public would be made aware that a balloon was the means which Captain Warner had employed; therefore it was impossible to keep that part of the experiment a secret. I say nothing with regard to the other inventions of Captain Warner, as they were not under question. We wanted to try this long range, which certainly had attracted a great amount of curiosity, and would unquestionably have been, if Captain Warner's statements were verified, a most extraordinary discovery. The commissioners, however, have shown that it was not likely to be of any use; and I may observe, that so far from the use of balloons for such purposes being a new discovery, from the early commencement of the last war offers were repeatedly made to the Government to produce, by means of balloons, destructive effects against the enemy. As my hon. Friend (Mr. Brotherton) has remarked, we may have spent 1,300*l.* too much in this experiment; but it cannot be said that, considering the fair play shown to Captain Warner, this experiment has not had every chance of success that Captain Warner could have asked. The noble Lord says, "Let us have a steam ship, and try the experiment in an operation against the gulls." I do think there have been gulls enough already, and that such a proposal as that of the noble Lord is not called for. The Motion before the House is for a Select Committee; but I do not suppose the House will be disposed to think a Committee of Inquiry necessary, seeing that in the opportunities which have already been afforded to Captain Warner, he has completely failed in the professions and promises which he has given.

Mr. AGLIONBY was by no means satisfied that it was not necessary to pursue this inquiry further. It had been some satisfaction to him to hear the speech of the noble Lord (Lord J. Russell), for, notwithstanding the jocosity which he had exhibited, his speech was, on the whole candid and fair towards Captain Warner. Every kind of misrepresentation and obloquy, and all sorts of sarcasms and abusive language, had been employed against that individual; and no opportunity had been lost of raising the laugh against him, by parties who evidently knew little or nothing about the matter. He believed few of those who ridiculed the professions of Captain Warner had taken any pains whatever to understand the question. He should like to know how many had gone to Arlington-street, to see for themselves the application, to a certain extent, of the materials embraced in the discovery, where they might have seen models and plans, and everything, indeed, with the exception of the secret, as to how it was to be used in war. How many of those who talked about gulls, and deception, and delusion, went to see and examine for themselves? He knew nothing about Captain Warner; but he did go in a spirit somewhat more sceptical than now, and received evidence that did not certainly convince him that the discovery would be valuable in war, but which brought him to this conclusion, that the subject was one that was neither ridiculous, nor absurd, nor disgraceful either to Captain Warner or his abettors. It was not a matter intended to gull or cheat the Government, but one deserving of inquiry before the Government or the country ought to pronounce it a failure. Every kind of misrepresentation had been raised on this subject out of doors. The hon. Member for Hastings (Mr. Hollond) had read part of a letter from Mr. Green, and he was anxious to hear whether he would pronounce the use of a balloon for such purposes absurd; but he found that Mr. Green did not speak of it as absurd. His letter merely referred to a petty squabble as to whether he should not get payment of 3*l.* or 4*l.* for certain property which he contended belonged to him. Among other misrepresentations to which Captain Warner was exposed, the experiment at Brighton was said to have been a deception; and some people seemed to connect the use of the balloon with that experiment. But the experiment at Brighton had nothing to do with the balloon. It was with what was called the invisible shell, and it formed no part of the investigation on which the commissioners had reported. As to the experiment itself, when he read the report, he thought it might be made to appear that Captain Warner had been guilty of misrepresentation, and that he had brought about delay after delay in order to tire out the officers and drive them away, so that he might be able to say he had not had a fair trial; but the moment it came out that the explosion was to be accomplished by means of a balloon, it was made evident that the object of Captain Warner could not be delay, but sufficient time to make preparation for the experiment. The noble Lord (Lord J. Russell) had argued as if the engine ought to be used from a fixed point to a fixed point, and then said, "But you must always wait until the wind is due south or due north." But he dissented from the noble Lord's proposition altogether; he had understood that this was an invention intended to be useful at sea or against towns on the coast. Again, when he (Mr. Aglionby) read the report of the commissioners, he had been led to believe that they stated that none of the shells had fallen. [Mr. HOLLAND: The commissioners do not say so.] They did not say so; but to his mind the report led to this impression. They did not say that no balls fell, but they said no balls were found; and he had believed they meant that no balls came at all. But heavy balls were projected at different intervals, as Captain Warner had promised. What would be the expense of a further inquiry? He did not ask the noble Lord to expend the public money; but he should like a Committee before whom not only officers but scientific men might be examined; and he hoped the Committee moved for would be appointed.

SIR HOWARD DOUGLAS began by referring to the exploits said by Captain Warner to have been performed by him with the long range in the last war. The captain stated that he had sunk two French privateers, one off Folkestone, another on the French coast. These achievements were said to have been performed from a cutter called the *Nautilus*, which belonged to Captain Warner's father, and which was hired by the Admiralty for the King's service. Now, the former Commission of Inquiry, of which he (Sir H. Douglas) had been a member, thought it their duty to make reference to each and all the departments under which these services were said to have been performed, and they never could find the remotest trace of any such vessel or any such circumstance. He now came to the subject immediately under discussion, and with respect to it he could only reiterate the opinion which he had formerly expressed, that there never was a greater imposition practised on the credulity of any people, and that there never had been started a proposal so absurd as that of the long range. It was an imposition, which by a specious use of terms of scientific import—applied to the long range—led many who were unlearned in these matters, and even those who had a smattering of science, to believe in the discovery of some new and tremendous kind of projectile force. And here he would put it to the noble Lord (Lord Ingestre) whether he —not designedly, of course—but whether he had not absolutely sanctioned the imposition by applying the terms "long range," "aim," and "bombardment," when he knew that all these phrases referred to operations to be conducted by a balloon. Why, what was a range? A range was the amplitude of a path described by a projectile. What was to aim—to take aim? To point the engine, before discharging the instrument? Now, all these terms led the public to suppose that the long range was a new and stupendous projectile power. Why, every nation on the Continent was astonished at our gullibility. For his own part, he had been amusing himself in calculating the magnitude of those monster balloons which would be required to take up the great weights necessary to carry out Captain Warner's plan. First, there was the small class of balloons to take up in their ascent 45 missiles, weighing 10 lbs. a piece, or say in round numbers 500 lbs. Now, to take up that weight a balloon would require to be 33 feet in diameter. Then, supposing it to be globular in form, the gas requisite for its inflation would be 18,816 cubic feet. The surface of the balloon would be 380 square yards, and the quantity of silk requisite, at three feet in width, would be 570 yards. He understood, however, that the species of silk necessary for the manufacture of balloons, cost 8*s*. a yard, and was made only two feet in width, so that they would have to make an addition to the calculation on that scale. The result, however, was, that a balloon of 33 feet in diameter would cost about 300*l*. in stuff alone, exclusive of making up, of netting, or of gas. He now came to balloons of the larger class, for the conveyance of 40 missiles of 25 lbs. weight each. They would require to be 40 feet in diameter, would contain 33,570 cubic feet of gas, would show 569 square yards of surface, and would require 854 yards of material, which latter item would cost 455*l*. Now, monstrous as this was, Captain Warner stated that it was nothing to what he could do, and he talked of discharging missiles by volleys of 100 at a time, of projectiles weighing each 500 lbs. Now, for such an exploit, there would be requisite a balloon 123 feet in diameter, charged with 974,349 cubic feet of gas, having 5,298 square yards of surface, and requiring 7,947 yards of stuff—[An Hon. MEMBER: All stuff!] Yes, and costing about 3,000*l*. He thought that the commissioners had done their duty most ably. Nothing could have been more complete than the failure, and, as he understood, the noble Lord himself admitted that it was a failure. It was expressly stipulated that Fairoak Tree was to be the target; but the balloon ascended to a great height, got entangled in different currents of wind, and took a very tortuous direction—a sketch showing the general nature of which he held in his hand. [This sketch the hon. and gallant Gentleman handed across the Table, amid some mirth, to Lord John Russell, who inspected it with some interest.] The balloon, he repeated, went in a most tortuous direction, and came to the ground with a bag of powder and nine balls attached, which it had not fired. The "long range," it was evident, then, was good for nothing on land; but it was said that they could use it from steamers, which could paddle in the wind's eye, so as to get a windward position. Why, fancy balloons of the magnitudes he had stated, triced up to the masts of a steamer, in a breeze of wind, either to be inflated, or already filled. He would engage to riddle them at 1,500 yards with a spherical shell from a 32 pounder. And think of the size, a balloon of 123 feet diameter! Why, the globe of the Pantheon was only 144 feet in diameter. The dome of St. Peter's was about the same size; the Whispering Gallery of St. Paul's was only 100 feet. And then, setting aside the expense, how was the process to be managed? He believed that in the Ingestre and Warner's museum there were models of steamers with apparatus for the inflation of balloons, and cases, or gasometers, to fill others. But for this, the gas must be compressed. How, and by how many atmospheres? No doubt hydrogen gas might be compressed 30 atmospheres, but it must be contained in an immensely strong case, out of which, be it remarked, it would find an exit at fissures impenetrable to any other sort of gas. He certainly did think that such a body would prove a dangerous inmate on board a steamer in the midst of fire and sparks, and lighted fuzees; and the noble Lord would find it so, when he hoisted his flag with a squadron of *Balloniers*. But if the flight of a balloon be, as the noble Lord and Mr. Warner say, a range, why limit it to five or six miles? We have the authority of a person who has risen to great eminence in his vocation, and who, no doubt, will be aëronaut-general of the new system of warfare—we have his authority that the range of a balloon is at least as far as hence to Nassau, and then the balloons must be burnt or lost. This is to burst or destroy your gun, as well as expend your ammunition. Expensive practice this! Throw away balloons costing from 300*l*. to 3,000*l*. at every discharge. But no! it appears, the balloons are not to be let go; but to be held captives like kites, and after they had dropped their missiles be hauled back and charged again. In that case, the lines must be pretty long ones to fulfil the condition that the people who sent up the balloon should be out of harm's way. The retaining cord must be three or four miles long, and then of course the necessity of adding vastly to the ascending power of the balloons that is increasing their magnitude, in order to carry up the rope. And what sort of rope would be necessary? Not a mere string—not a mere ratline—no—they would require at least a young hawser. He had calculated the immense additional ascending power that would be required to take up such a rope, and to stand the oblique action and vertical weight; but he would not enlarge upon that absurdity. And now as to the invisible shell, and the destruction of the *John o'Gaunt*, off Brighton. That destruction was not effected by the long range. Yet Captain Warner declared to Mr. Somes that it was to be by the long range, and by no other means, that he proposed to achieve it. The Captain had published a challenge in the daily newspapers, in which he undertook to destroy a hulk moored at the back of the Goodwin Sands—and in that challenge, it was distinctly stated, that the agent employed should be a projectile. When the Government had refused to go into the matter, Mr. Somes gave the ship *John o'Gaunt* to be destroyed by the long range; and he (Sir H. Douglas) had the authority both of the late and the present Mr. Somes for the fact that the ship was thus to be destroyed. But the destruction of the *John o'Gaunt* was a trick of the same class as the blowing up of the punt on the fish-pond, which consisted merely of shells sunk and anchored under the water, and a long rope attached to the punt, which at a signal given was drawn by a team of horses, and which on striking the composition blew up the vessel. The destruction of the *John o'Gaunt* was just the same, except that a steamer was employed to drag the vessel to unavoidable destruction instead of a team of horses. He (Sir H. Douglas) held in his hand a sketch of a vessel destroyed by means of gunpowder quite as effectually as the *John o'Gaunt*. We wanted no new force; we had more force in gunpowder than we required. The elastic fluid generated by the decomposition of gunpowder, expands with a velocity of 10,000 feet in a second, and at the moment of decomposition exerts a force 2,000 times greater than the atmosphere upon the same surface. We have seen a cliff, one of the cliffs of Albion, blown into the sea, and the *Royal George* out of it; there was nothing that might not be done by gunpowder, and by a small quantity of it; ever so little in the heart of a rock would destroy it, if you could ignite the gunpowder. He (Sir H. Douglas) detected in his first conversation with Mr. Warner that his mighty agent was a balloon. As to the "bottled lightning," said to be contained in the invisible shells, if Captain Warner would walk up to the Royal Institution any morning, Brande or Faraday would show him that there was no invention or novelty in this matter at all, and that he had merely got hold of one of those compounds that were well known, though not used, because so dangerous. When he (Sir H. Douglas) first read Mr. Warner's most astounding assertions, he came to the conclusion that the man who wrote them, if he believed in those powers, must be mad; and if he did not, he must be an impostor. Mr. Warner has himself said, "Were I to promulgate these statements to the multitude, I could only expect to be derided as an impostor, or pitied as the dupe of my own fancy." He (Sir H. Douglas) adopted the more charitable conclusion suggested by himself, that Mr. Warner was under some strange hallucination upon this subject.

Captain BERKELEY said, the hon. and gallant Officer had so completely blown Captain Warner out of the field, that it was unnecessary for him to add anything. He merely wished the House to remember that if they granted a Committee, or made further inquiry into this subject, there were many Captain Warners in this town who would come forward and demand to be placed in the same position. It behoved the House, therefore, to be cautious how they voted, or they would have to try the experiments over and over again.

Viscount INGESTRE said, that it might have been Mr. Somes' impression that the ship was to be destroyed by the long range, but it had not been so understood. As he saw that the tone and temper of the House were against the Motion, he would not trouble them to divide.

Original Motion agreed to. Order of the Day read. Motion made that the Speaker do leave the Chair.

CASE OF MARY DAWSON

MR. FERRAND said, that if the right hon. Gentleman opposite would consent to the production of the correspondence he asked for, it would be unnecessary for him to trouble the House; but otherwise he must trespass upon them with a short statement. He was about to move—

> "That there be laid before this House a Copy of the Correspondence which has taken place between the Secretary of State for the Home Department, and the convicting magistrates, relating to the illegal imprisonment of Mary Dawson in the West Riding of Yorkshire Gaol."

The girl, whose case he was about to bring forward, was hired by a manufacturer in Keighley to weave. When she went to work she was placed at a loom in which there was a warp partly woven. She finished that, and was placed at another, where there were two or three warps. Being unable to weave it herself, she hired another girl of the same age to assist her, but finding she could not complete the work and make the wages, she left work. Her master summoned her for leaving work in the loom. The magistrates dealt leniently with her case, and tried to persuade the girl to return to her work. She refused. The foreman of the manufactory appeared against her, and pressed for a committal to prison; but the magistrates at that time declined to commit, and expressed the hope that she would return. The girl at once said, "I will not return; and I would rather be imprisoned if the foreman wishes me to be sent to gaol." The girl then went to another manufacturer, and obtained employment. Mr. Hattersley, her former master, wrote to her second employer, and asked him to discharge her, and compel her to go back to his mill. Mr. Mitchen, the second employer, refused, expressing his opinion that the girl had committed no offence. Her late employer then applied to another person to finish the warp; but she was unable, on account of its badness. Another weaver then attempted the work, but gave it up in despair. A third at last completed the weaving. These circumstances occurred soon after the 10th of March, on which day the girl left her first employer. She continued to be employed by her second master until the 13th of April, on which day a constable entered the mill, and without giving her time to change her clogs or working clothes, hurried her through the streets of Keighley to the railway station, put her into a carriage, and conveyed her to the house of correction, where she was delivered over to the gaoler, who placed her on the treadmill. She was worked on the treadmill for three weeks. Her father—she was a girl under age—was as respectable a person, although a labouring man, as any in that part of the country, went to the magistrates who signed the commitment, and asked for a copy of it. It was refused. He then went to the magistrates' clerk to ask for a copy, and was prepared to pay for it, but it was refused. But when he went before the magistrate, he said, "Ah, John, is that you? I did not know that you were servant to Mr. Busfeild, the Member for Bradford; if I had, I would have dealt leniently with your daughter." The reply was, "If my daughter has committed any offence, she ought to be punished like any other person. But I only want justice, and I ask for a copy of the commitment." This, however, was refused, and the father then wrote a letter to him, and he advised him to present a petition to the House of Commons, and promised to state the case. He (Mr. Ferrand) then went to the Home Office and saw the Under Secretary of State on the matter, who had paid him every attention in his power; and he was requested by both father and daughter to tender their grateful thanks for the release of the girl from prison. And in justice to the right hon. Baronet opposite, the Home Secretary, he was bound to say that that right hon. Gentleman had offered him a private view of the correspondence, but had informed him it was contrary to the usual routine to place the correspondence on the Table of the House. But he believed he should succeed in inducing the House to order the production of the papers. The right hon. Gentleman had ordered an inquiry to be made; and the result was that the girl had been released from prison, but not until she had been illegally confined and worked upon the tread-mill for three weeks amongst vagabonds and prostitutes; and when released she was so weakened by the labour on the mill that she could not walk without assistance. What the defence of the magistrates was he knew not; but this girl had committed no offence against the law of the land, or against any rule founded on the law. If the magistrates were going to protect themselves under the Worsted Embezzlement Act—one of the worst that had ever passed the Legislature—he contended that that Act did not apply to the case, for that Act was passed to punish those who received wool to comb, or warps to weave, at their own dwellings; whereas this girl was working in the factory of her master. He did not mean to charge the magistrates with improper motives. He had acted with them for several years, and had seen them inclined to err on the side of leniency rather than of severity. But having had this case put in his hands, he was bound to fulfil his public duty in bringing it before the House. He should be happy if the magistrates justified themselves. He might be told that the girl could have redress in a court of law; but it was ridiculous to talk about a power-loom weaver bringing an action against magistrates who could back their defence with an expenditure of 200*l.* or 300*l.* The only chance of justice was in that House; and it was his duty to state, that in the manufacturing districts there were other magistrates who were adopting the same course, and committing to prison persons who had left their work in the same way this girl had. Unless the House acted in a manner to convince these magistrates that such conduct would be visited at least by a vote of censure from the House, if not by the punishment of the law, there was no chance for the redress of the grievances of the working classes. The hon. Gentleman concluded by submitting his Motion.

Sir G. GREY said, the explanation which he had to give of the circumstances of the case which was brought before the House by the hon. Gentleman, was a very short one. The hon. Gentleman had correctly stated, that the case had been brought under the notice of the Under Secretary of State for the Home Department, and that immediate attention was given to his communication, as was always the case where any representation was made with reference to a case of illegal commitment. A communication was immediately addressed to the magistrates, calling on them for a copy of the committal in this case; and on a copy of the committal being furnished by them, he was advised by the most competent authority, that the commitment was—with reference to the facts as they were—an illegal committment, on the ground that the magistrates having committed this girl under a certain Act of Parliament, the committal ought to have been taken under another and a different Act of Parliament. With regard to the facts of the case, he was bound to say it did not appear that there was the slightest misconduct on the part of the magistrates. The case having been brought before them, they were bound to adjudicate upon it; and he was satisfied they had acted with the greatest consideration and leniency towards the girl. They did not proceed to commit her until they had used every other means to induce her to return to her employment, and complete the warp at which she was engaged. The evidence was, that having been engaged to weave a warp of a certain length she had left it unfinished, and engaged herself to another employer; and she was told by the magistrates that she had no right after her engagement with Mr. Hattersley, to take an employment, with higher wages, until she had in the first instance fulfilled that contract. He (Sir G. Grey) was of opinion, on the face of the facts as they appeared to him, that there was not the slightest misconduct attributed to the magistrates. They had merely proceeded under one Act of Parliament instead of another; and he (Sir G. Grey) understood that considerable doubt existed as to whether the one Act or the other applied to the case. He was bound also to state, that the magistrate, Mr. Ellis, to whom a certain conversation with this girl's father was attributed, had distinctly, and in the most unqualified manner, denied that such a conversation as was represented had taken place. He did say, he did not know that she was the daughter of this person; but observed "that that would make no difference—that he had but one course to take, and that was, to execute the law to the best of his judgment." With respect to the allegation that this girl had been placed on the treadmill, it was stated by the gaoler of the House of Correction that she had not been on the treadmill even for an hour. He held in his hand a statement with reference to her daily employment during the whole period, from which it appeared that during some days she had been employed in sewing, and other days in washing, and that she had not been on the treadmill.

Mr. FERRAND observed, that he knew the gaoler of the Wakefield house of correction to be a highly respectable person, and no doubt he had spoken the truth. He (Mr. Ferrand) had, however, been told that the girl had been placed upon the treadmill; and that she was lame when she left the prison. He must state most distinctly that no agreement had been entered into by the girl with Mr. Hattersley; that she was not twenty-one years of age; and that her father had not entered into any contract for her employment. Under these circumstances it was clear the girl had been improperly convicted. Would the right hon. the Home Secretary state under what Act of Parliament she had been committed?

Sir G. GREY: Under the 17th George III., c. 56.

Viscount MORPETH believed, that the magistrates who had acted in this case were most upright men, and there were no men whom he would be more willing to trust to in a case of his own. The committing magistrates had written to him a statement of what took place, from which it appeared that twelve pieces were delivered to the girl, that she had woven nine pieces and one-half of the tenth, leaving two and a half pieces unwoven. She then absented herself and went to another mill-owner, where she got better wages and work. She was sentenced to one month's imprisonment, the period of imprisonment under the Act being "not more than three months, and not less than one month." So that the magistrates were obliged, if they thought her guilty, to commit her for a month. He was not there to say what was the right interpretation of the Act; but he was bound to say, that, since this proceeding was brought under the notice of the Secretary of State for the Home Department, the magistrates had been informed that the committal was legal. They had resorted to the best advice they could get; they had laid a case before an eminent counsel on the northern circuit, and it was his opinion that the committal was in exact conformity with the law. If a doubt could be entertained in such a case, he should be sorry that the girl suffered any unnecessary confinement; but he also contended for it, that the magistrates had acted from pure motives; and there was reason, also, to think they might have acted in conformity with the existing law.

Sir G. GREY replied to a question by Mr. Wakley, that he would have no objection to the production of the copy of the committal, but would not consent to the production of the correspondence.

Mr. WAKLEY wished to hear from the right hon. Baronet the Member for Dorchester whether such was the practice when he was Home Secretary? His belief was, that on several occasions the right hon. Baronet had, without opposition, furnished such correspondence. If a magistrate acted correctly, it was right that the Home Secretary should shield him in that House; but when, as in this case, and on the acknowledgment of the Home Secretary, a magistrate had acted unlawfully—had committed a girl illegally—who had been dragged through the streets as a criminal, and subjected to the odious punishment of the treadmill— ["No, no!" Sir G. Grey did not admit any of these facts.] It was the statement of the hon. Member for Knaresborough, and the Home Secretary did not deny it. The right hon. Gentleman did not deny that the girl was committed to gaol—he did not deny that on his interference she had been liberated; and he admitted that the commitment was illegal. ["No!"] The right hon. Gentleman stated, that, from the best information he could obtain, he believed the commitment to be illegal; and, therefore, ordered the girl to be liberated; but, at the same time, stated, that he believed the magistrates had been guilty of no misconduct. It was proper when magistrates had acted rightly, that they should be protected by the Home Secretary; but when they acted illegally, he was placed in a painful position if he refused to produce the correspondence. The House ought to see the correspondence, and also a copy of the warrant of committal. He must say, that when an illegal act like this had been committed, he regretted that it should be in the first instance brought before that House. If, as the right hon. Baronet had admitted, there had been a violation of the law, a remedy must be supplied, not in this House, but in a court of law. The hon. Member for Knaresborough asked how it was to be obtained? Why, if it was quite clear that the act of the magistrate was illegal, the magistrate was a very good mark for some skilful attorney to aim at; and he had no doubt that there were plenty of attorneys who, when they saw the report of to-night's proceedings in the public journals, would feel considerable commiseration for the poor girl. In conclusion, the hon. Member expressed a hope that the practice of refusing correspondence of the description required by the hon. Member for Knaresborough would no longer be continued.

Mr. HUME thought the House ought not to be satisfied without the production of the correspondence; and the question at present was not in the situation in which it ought to be left.

The CHANCELLOR of the EXCHE-

QUER feared that after the speech of the hon. Member for Finsbury a very wrong impression with respect to this case might go forth. Now, in the first place, the facts stated by the hon. Gentleman opposite (Mr. Ferrand) were denied; and he did not impute any improper motives to the magistrates, or say that they behaved harshly to this girl. [MR. FERRAND: I said I had no proof of it.] The hon. Member did not impute any harsh conduct to the magistrates; and, in fact, the statement made by his noble Friend (Sir G. Grey) showed they did their best to induce this girl to do what was right before they committed her; and the statement that she was put on the treadmill was denied by the keeper of the bridewell. Every statement made by the hon. Gentleman (Mr. Ferrand) was denied, with the exception of the single fact that she was committed to prison. [MR. FERRAND: She told me herself that she was on the treadmill.] But that does not prove it is true.

LORD JOHN MANNERS observed, that the statement with respect to being placed on the treadmill was asserted strongly by the girl, but was denied by the gaoler; and if the papers were produced, it would then, probably, be seen who was right and who was wrong. Then, it was stated that eminent counsel on the northern circuit had said the committal was legal; but the Secretary of State for the Home Department had said, he had received an opinion the commitment was illegal; and if they had the correspondence, they would possibly see who was right and who was wrong. The right hon. Gentleman the Secretary of State for the Home Department appeared to think it was contrary to all precedent that such papers should be returned; but the hon. Gentleman the Member for Finsbury said that his experience did not bear out that statement at all. The hon. Member had then appealed to the right hon. Baronet the Member for Dorchester, as to his opinion of the practice; and some light might be thrown by the production of the papers upon that part of the question; therefore he thought they were justified in asking for the production of the papers.

Amendment negatived.

THE EX-RAJAH OF SATTARA.

MR. HUME moved for copies of a despatch from the Secret Committee of the Court of Directors of the East India Company to the Governor General of India, respecting the ex-Rajah of Sattara, dated the 24th March, 1846, and of the answer thereto, &c. In doing so he said he would not have introduced his Motion at that late hour (past twelve o'clock) were it not that the subject he had to bring forward involved a case of great injustice towards an individual, as well as a grave charge against the Government. His statement was necessarily a long one, but he would compress it into as brief a space as possible. It was painful to him to be obliged to state that the papers which he had moved for on former occasions, and which would go to exonerate the Rajah of Sattara from the charges which were made against him, had been refused by the Secretary of State on the ground that copies of them had been surreptitiously obtained; but though the right hon. Gentleman had promised to produce all the documents which he wanted, such had not been done, and it was on that undertaking that his former Motion on the subject had not been pressed in the shape in which it originally stood. In that respect, therefore, he had to say he had been deceived. The right hon. Gentleman formerly in office had given his sanction to the dethronement of the Rajah of Sattara without any evidence of a satisfactory nature having been adduced against that individual. He had been hurled from his throne and sent away a thousand miles from his country, and was now an exile in a foreign land, without having the opportunity of a trial, such as would be afforded to any British subject, being given to him. The right hon. Baronet (Sir J. C. Hobhouse) and his predecessor in office, had agreed to lay various documents connected with that case on the Table of the House; but those only which tended to inculpate the Rajah had been produced, while such as would go towards his exculpation had been withheld and refused. He had presented Lord Ripon, when in office, with a letter from the Rajah, stating his case in full; but that noble Lord, though exhibiting great sympathy towards the individual in question, had said that he could not receive any papers from anybody in India, except through the Governor General. The Rajah had been accordingly advised to adopt that course, and he had accordingly directed a letter to Sir Henry (now Lord) Hardinge, stating the particulars of his case. That letter had never been received. Though twice ordered by the House, the right hon. Gentleman would not produce it. He had been told that it was not at the India House; but it had not been said that it was not in this country. He believed it was lodged in the secret department of the right hon. Gentleman's office. That right hon. Gentleman had more power in some respects even than the Crown; but he believed the right hon. Gentleman was not fully aware of the importance and injustice of his conduct in this respect. What he complained of in this case was, that the Rajah of Sattara, whether guilty or innocent, had not a fair trial. There were documents to prove his innocence, and they were suppressed by the right hon. Baronet the President of the Board of Control. What he wanted was, that an opportunity should be afforded of fully ascertaining the truth in the matter. He believed he would be able to prove, if such an opportunity were given, that the Rajah was the victim of a gross conspiracy, to which the British agents must have been parties. As long as he lived he would endeavour to obtain justice for a much-wronged man. He made his appeal to the justice of English Gentlemen; and he would bring the case on again, when he would have the opportunity of dividing the House upon the question.

Sir J. HOBHOUSE: The hon. Gentleman has asked that justice should be done to himself and to the Rajah of Sattara. [Mr. Hume: I don't want it for myself.] I must tell the House in what manner the hon. Gentleman has chosen to deal out justice to a public officer. The hon. Gentleman has altered his Motion no less than four times. [Mr. Hume: I had a right to do so.] In his first Motion he accused myself and the Board of Control of illegality. [Mr. Hume: I do so still.] He dropped that charge, and next said our conduct was impolitic and unjust. He then dropped that accusation. He next brought another charge, and said whether withholding these papers was illegal or not, still that the refusal of them was impolitic and unjust; and now, the whole foundation of his case was merely to ask for two despatches—one of the 24th of March, 1846, and the other the letter which was written in answer to that despatch. How is it possible for me to meet charges thus dropped one after the other? The hon. Gentleman told me that the papers furnished were so satisfactory as to the conduct of the Board of Control, that he could not complain of the refusal of other papers. I gave him my reasons for granting certain papers and not others. "You can't have the latter," I said, "because they are secret papers." And my refusal was supported by the right hon. Member for Tamworth and by the whole House. I don't believe if the hon. Gentleman had divided on that occasion that four Members would have gone out with him. The hon. Gentleman has brought many charges against us in very vigorous phraseology; but I venture to say that his allegations are about the boldest fictions ever attempted to be palmed on the public. The hon. Gentleman has chosen to say that the Governor General expressed his belief in the innocence of the Rajah of Sattara. I tell him it is not true, and I produce the document itself to prove that it is not. As for myself, I should be very sorry to put myself in competition or contrast with the hon. Gentleman; but when he talks of the injustice—the illegality—the tyranny of the Board of Control—he ought to know the facts; and I beg leave to tell him that he has not stated one of them correctly. Of all the extraordinary statements in which the hon. Gentleman has indulged, the most marvellous is that relating to the despatch of the 24th of March. The hon. Gentleman's friend and patron, Mr. G. Thompson (of whom I shall have a word to say presently), gives this account of the production of this despatch, that he found it one morning on his breakfast table, and that nothing on earth should induce him to disclose how it came there. The hon. Member for Montrose knows that it could not have found its way to the breakfast table of Mr. G. Thompson without a gross betrayal of trust—a violation of the oath of the person who obtained it. Now, I ask the hon. Gentleman, does he know how it came there? I accuse him of having tampered with some public servant either in England or in Calcutta, and thus obtained papers which the party charged with their custody was sworn by his solemn oath to conceal. But the case does not concern the present Board of Control alone. Sir R. Grant, Lord Auckland, Sir James Carnac, again Lord Auckland, the Court of Directors, all investigated and decided this question. The House of Commons has twice voted on this question, and it has been nineteen times before the public; and what is the result? The hon. Gentleman talks of the interest it excites. There are 2,000 proprietors, and out of these the greatest number that ever voted was 82, of whom 56 were against re-opening the question, and the other 26 took the view of the hon. Gentleman. The hon. Gentleman says that the Court of Proprietors voted for the production of those papers by a majority of two. What was the consequence? The chairman and the others reversed their own vote, and by a majority of 36 refused to re-open the question. The fact is that this case has been got up by a house of agency in Bombay, of which the hon. Gentleman is the instrument and the dupe. The hon. Gentleman has presumed to say that the Board of Control has gone beyond the powers it has a right to exercise; but had the Court of Directors complained of their doing so? On the contrary, by a majority of eight they voted against taking the question out of the hands of the Secret Committee. The hon. Gentleman had, therefore, proved himself not a fit person to make such charges against the responsible servants of the Government. [Mr. Hume: Give us the papers.] When this question was before the House on a former occasion, I stated that when a fitting time came, I should have no objection to produce the letters in question. I can assure the hon. Gentleman that the letter he has produced is the real one—perhaps he knows how it was purloined. We have written to India to ascertain who it was who stole the other letter, and whether the hon. Gentleman had any connexion with the matter. [Mr. Hume: It is very impudent of you to say that, when I was in England the whole time.] But do you mean to say you could not have written to India? I insist upon it that the documents, if produced, would disprove every word which you have dared to assert this night. The hon. Gentleman is the receiver of those stolen goods; and he comes down to this House to accuse me of conduct of which I am totally incapable. But these papers, Sir, shall be produced; and I am certain that when the House shall have seen, it will free me and the Board of Control from all the charges that have been brought against us. But, Sir, I do not think it a proper thing for the hon. Gentleman to avail himself of the impropriety of other persons, and to say to us that, as he has by some means got those stolen papers, we shall produce the originals. However I must say that those papers are not in favour of the case of the Rajah of Sattara: and the assertion of the hon. Gentleman, that the letter of the Governor General exculpates the Rajah, and bears out these invectives which the hon. Gentleman has used, I utterly and solemnly deny. The hon. Gentleman, Sir, has spoken much about the injustice and unfairness with which the Rajah has been treated; what does he think of the injustice which he has himself done to a man whom he has brought charges against? What does he think of his own conduct towards Colonel Ovans? How is he borne out in his assertion against that gentleman? [Mr. Hume: By his own handwriting.] Why, Sir, who is this Colonel Ovans, against whom the hon. Gentleman has brought those accusations? He is as good an Indian servant of the Crown as could possibly be. A gentleman of honour and reputation; and this is the gentleman—an English gentleman—who is stigmatized as a suborner of perjury. [Mr. Hume: Hear!] You call "Hear!" Do you believe the charge? [Mr. Hume: I do, and will prove it if you grant me the papers.] Why, Sir, the hon. Member for Montrose is, in my opinion, as capable of forgery, or subornation of perjury, as Colonel Ovans. But when this Mr. Thompson—Thompson I think is his name—attempted to bring the case before the Court of Directors, the solicitor to the Court of Directors would not allow the charges to be advertised, because they were in his opinion libellous, and could not with safety be published. Thanks to the hon. Member for Montrose, the charge is published to-night. But, Sir, I do not think it right that such charges should be brought against public servants who, like Colonel Ovans, have done their duty to their country well and faithfully, and who have never been charged with anything base or equivocal, until a set of men who have a pecuniary interest in blasting the acts of as honourable a man or set of men as could be found, bring forward charges, and get hon. Members in this House to state and support them.

Mr. HUME: Sir, I do not accuse Colonel Ovans of forgery; but I do accuse him of having brought documents to the Government purporting to be original documents of the Rajah of Sattara, when he had the seal of the Rajah in his possession, and must have known that the seals attached to them could not therefore have been the real seals belonging to the Rajah of Sattara.

Lord JOHN MANNERS said, that the right hon. Gentleman the President of the Board of Control had not met and had not refuted one of the serious charges which had been made by the hon. Gentleman the

Member for Montrose. The hon. Gentleman had proved in a most convincing statement that the Rajah of Sattara had been deposed and punished on evidence so utterly untrustworthy that it would not have been received in a court of justice in England. The right hon. Gentleman, instead of replying, had confined himself to a very strong and personal attack upon the hon. Member for Montrose; and he had asked the House to wait for the receipt of a letter from India before coming to any opinion upon the charges. He (Lord J. Manners) understood from the hon. Member for Montrose, that he could not go to a division upon his Motion. He only hoped, then, that the hon. Gentleman would bring the question before the House, and press it as soon as possible to a division, and the right hon. Gentleman should have his cordial support.

Mr. WAKLEY said, that the right hon. Gentleman the President of the Board of Control had seemed very anxious to defend himself from the attack which had been made upon him by the hon. Member for Montrose. But did not the right hon. Gentleman think that the Rajah of Sattara had a similar right to defend himself from what he considered unjust accusations? The right hon. Gentleman had not been deprived of his possessions. He had not been robbed, or plundered, or exiled; but a few hard words had been applied to him, and his anger had swelled into violent declamation against the hon. Gentleman who had brought forward the charges. Did the right hon. Gentleman believe that those hon. Members of that House who had paid attention to the statement of the proceedings against that persecuted and injured man, the Rajah of Sattara, would be contented until he had been afforded an opportunity of defending himself from the atrocious attacks which had been made upon him? Did the right hon. Gentleman think that those hon. Members who supported the claims of the Rajah for a fair hearing, would consider that they had discharged their duty till they had succeeded? He could tell the right hon. Gentleman that they would not have discharged their duty in that House until they should have obtained the inquiry; and he would agree with any twelve Members of the House to bring the matter forward by successive Motions on going into Committee of Supply, so as to prevent the Government from obtaining any sum of money for the public service until an inquiry was granted. A more atrocious case of persecution was not to be found in the annals of India, or of any other country. For upwards of twenty years the Rajah had filled his post with honour and probity, rewards for which had been sent to him from the British Government of India: he had received testimonials of his fidelity. [Mr. Hume: A sword had been presented to him.] And after all, by a series of atrocious and most wicked acts of conspirators against him, he had been subjected to treatment worse than the worst of criminals. He had been robbed, plundered, deposed, and transported. He had been asked to sign a document in which his own guilt was set forth; and it was because he would not sign that document, that he had been plundered and robbed, and transported. It was not denied that that paper had been presented to him, and that he had been at the same time told how great would be the extent of his possessions, and how honourable his future position, if he would but sign the document in which his own guilt was confessed. That had been admitted by former Governments in that House. Now, what did they do with the worst criminal in this country? Did they not give him a trial? Did they not give him an opportunity of making a defence, and of proving his innocence if he could? But would the right hon. Gentlemen contend that the Rajah of Sattara had ever had a trial or an opportunity of ever proving his innocence? If not, why then did the right hon. Gentleman seek to overwhelm the Government of which he was Member with the foul stain of disgrace, which belonged not to him, but to his predecessors in office, who were the first to concur in the vile conspiracy? He could not conceive why the right hon. Baronet should take so much dirt upon himself, except because it seemed to be the universal rule for one Government to adopt and sustain the decisions of another Government. They might disagree on all other subjects; but still the existing Administration invariably adopted and defended the acts of its predecessors. He would not enter into the matter further at present, but trusted that his hon. Friend would bring the question formally before the House without delay, if he was sincere in his statement, that he could prove his entire case in one week. His hon. Friend ought, he thought, to give notice of a Motion on the subject that night, and he would join his hon. Friend with all his heart and strength in resisting the voting of one farthing to any Government until an inquiry was instituted.

MR. EWART said, though he happened to sit on that (the Ministerial) side of the House, he should say that he did not think the Motion had been properly met. What did it signify whether Mr. George Thompson—a gentleman whom he had the honour of knowing—had found a certain document on his table in the morning or not? That could not affect the justice of the claim of the Rajah of Sattara, or the question whether or not successive Governments had gone on deciding unjustly against him. He felt bound as a Member of that House to express his extreme dissatisfaction at the inefficient manner in which the charge of the hon. Gentleman the Member for Montrose had been met; and he hoped his hon. Friend would lose no time in bringing the subject before the House.

MR. BORTHWICK said, the charge made by the hon. Member for Montrose was, that the Rajah had been deposed by a most vile conspiracy, in which certain British officers were concerned. The right hon. Baronet repudiated the charge; and he expected that the right hon. Gentleman would, therefore, be ready to second any Motion of inquiry that the hon. Member might make; and no doubt those public officers in India would be on their part equally anxious to have the foul and unjust stain removed from their characters.

VISCOUNT PALMERSTON: The House may or may not go into this question of the proceedings with regard to the Rajah of Sattara; but I think everybody must admit that the notice given by the hon. Member for Montrose was not a notice that seemed to indicate any intention on his part of going into the merits of the question when bringing it before the House. The notice was for the production of papers; and my right hon. Friend came down prepared to state whether he would or would not accede to that Motion. At the late hour of the night when my hon. Friend had an opportunity of addressing the House on his Motion, nothing, I am sure, could be more inconvenient than that my right hon. Friend should be expected to go into the details of a most extensive case, which had been investigated under various Governments in India, and various Courts of Directors, and various Boards of Control, and which could not be discussed at this hour of the night with any possible advantage, or any chance of a decision being come to upon it. My right hon. Friend is quite prepared, if the matter be brought forward at an early hour of the evening to enter into those details; but I think the House will agree with me that this is no hour for him to do so.

The Motion was not pressed.

House in Committee *pro formâ,* and resumed.

House adjourned at a quarter to Two o'clock.

HOUSE OF LORDS,

Monday, June 28, 1847.

MINUTES.] PUBLIC BILLS.—2^a Police Clauses.

Reported.—Royal Marine Service.

3^a and passed:—Bishopric, &c. of Manchester.

PETITIONS PRESENTED. From the Parish of Calne, Gloucestershire, for the Repeal of the Law of Settlement.—By the Earl of Wicklow, from Guardians of the East Preston Union, for Alteration of the Law of Settlement.

PRIVATE BUSINESS OF THE HOUSE.

LORD BROUGHAM, in rising to bring before their Lordships the subject of the Private Bills and business of the House, felt that he was not superfluously or prematurely, needlessly or too early, calling their attention to this very important subject. A great and an enormous augmentation had taken place of late years in the bulk and importance of the private business of the House—a class of legislation which arose gradually from very small beginnings. Anciently, Private Bills were presented in the form of petitions, claiming justice from Parliament, before Parliament consisted of two chambers; and, subsequently to that division, it was the practice of Parliament to receive and deal with such petitions. They were referred to persons appointed at the beginning of each Parliament or Session—for Parliaments were then yearly—called Receivers and Triers of Petitions. The *recevours* originally were not, of necessity, Members of either House of Parliament; the *triours* originally consisted partly of Prelates, partly of Temporal Peers, and partly (but in a small proportion) of members of the legal profession; but after a time the *triours* were selected wholly from Members of that House, but were desired to take to themselves the assistance of the King's Serjeants. "Matters of great amount, and of importance, and of great example"—so it was expressed on the Parliament Roll—were referred to Parliament for its decision; matters which appeared to be purely of a judicial nature were referred by the *triours* to the courts of justice, and to an increasing extent as the jurisdiction of the Chancery and the Equity Exchequer grew up into definite form, most of the petitions being for equitable relief; but still a third class was dealt with by these receivers and triers of petitions, and dealt with in Parliament. Up to the present day such persons were appointed at the opening of every Parliament, and even "for petitions from Gascony." The reason given in the Roll of Parliament for their having the assistance of the Judges and Serjeants was—"that so the King and the Lords may have the more time for the urgent business of the State." What would our ancestors who thus spoke have said, if they had lived now, to have 700 Bills presented to them in one year, and between 400 and 500 actually passed, containing nearly 14,000 sections, all binding every subject of the Crown? Not, however, that these Bills were of minor and secondary consideration; the amount of this private business was not more enormous than its intrinsic importance was grave. Now, he (Lord Brougham) begged to give at the outset the same pledge with which he introduced in the other House nearly twenty years ago a proposition for the general amendment of the law—a proposition which, with the aid of the then Lord Chancellor (Lord Lyndhurst), bore most important and precious fruits; he himself might so say, for he was but by accidental circumstances the originator of it, and without any merit of his own. In the present instance, also, as then, he would not state one fact, nor refer to one point, nor advance one position, for which he had not the warrant in his own individual experience, professional, or judicial, or legislative. Let the House, then, mark, first, what these Private Bills were, and what the interests were with which they dealt; next, the manner in which these interests were dealt with; and then, the mischiefs that followed from the nature of those enactments, and from the manner of dealing with those interests. When a common case was brought into a court of law or of equity, and a matter of law or of fact was in issue between two or more individuals, the court had to be guided by the law of the land, found either in the Statute-book, or in text writers, or in the reports of decided cases. They were not let loose without principle, and thrown wholly upon their own resources, to hear what one party asked and another refused, and to gratify one or other, or strike a medium in the exercise of an unbounded discretion. They had a chart to guide and a compass to steer by. The chances of error or of misdecision were therefore much diminished, and also (though this topic was more delicate) the chances of corruption. A fair prospect existed that right and justice in each case would be done; and, if not done, it was the fault of the general law, which might be mended, or of the judge, who might be punished or removed. And, what was involved in the result? Damages to the amount of 40*l.* or 50*l.*; it might be, indeed, as many hundreds, but that was not so in the average of cases decided according to well-known rules by the learned Judges. On asking the prothonotary, once, on the last day of the assizes at Lancaster, what was the amount of the verdicts that had been given, during the whole sittings, he (Lord Brougham) found that the average amount for the whole 220 cases was but 13*l.* 15*s.* True, a question of right of way, or other easement over property, or of title to land, or a question between creditors, or a question of bankruptcy, or of mortgage, might be of more importance than the amount of the verdict indicated; but to talk of their bearing the very remotest comparison with those matters which were every year, by the score or by the hundred, disposed of by the private legislation of the two Houses of Parliament, would be utterly preposterous. Whether a whole neighbourhood should be disturbed in its possessions—whether all the rights which the general law of the land gave to us should be set at nought by a particular law—the most sacred rights of property violated, and a man's property taken forcibly from him —taken forcibly against the title which the law of his country gave him—whether a man's dwelling-house was to be made untenable, and himself and his family expelled from their home—whether the possessions which he valued above all price were to be forcibly wrested from him for a sum fixed by others, and to benefit others alone—whether settlements and latter wills deliberately made by undoubted owners of property were to be rudely set aside, and new dispositions of that property made—these were the sort of questions disposed of by those Acts which Parliament passed year by year, and passed by the hundred. Was he (Lord Brougham) proposing that the caprice of an individual landowner, or even his just reluctance to part with his property, should be suffered to stand in the way of a great public interest, and to defeat a measure well framed, and judiciously, and even cautiously and scrupulously devised, for gaining an important public good? Very far from it. He admitted the right to legislate. But he had to institute, in the second place, a comparison between the manner in which the constitution of this country dealt with ordinary questions, comparatively insignificant and certainly more easy of solution, and the manner in which it dealt with those other questions, departing, as he thought, altogether from sound principle. In those more trifling cases, decided according to known principles and the settled rules of the law of the land, see how the rights of the parties were fenced about, and how scrupulously a watch was kept over every gate, or door, or cranny, or chink, through which wrong, or error, or oppression, or injustice might find its way. There must be the Judges of the land to administer justice; very reluctant had Parliament been to delegate to others jurisdiction over the more unimportant cases decided by local courts; and, after all, the local courts were not allowed to deal with questions of right to land, or where the matter in dispute exceeded 20*l.*, or to have, as yet at least, any jurisdiction in equity. Whence arose this reluctance? Only because we thought that in the superior Judges of the land, we had the best security for great learning, great professional skill, and for incorruptible integrity, those learned individuals being removed from the strifes of common life, and from the contention of politics and of party. But what course had they taken with respect to a different matter, and one of greater importance to the individuals concerned? What course had they taken with respect to the transcendental power of altering or suspending the law, or making a new law applicable to a special case, and a particular party? In this far more difficult and delicate matter, had they provided any of those checks, or raised any of those guards, which he had just referred to, to surround the rights of parties? Had they fenced or encompassed them about with any of those brazen walls, as one of the Judges once expressed it, through which no corruption and no injury could penetrate? On the contrary, he would venture to assert that the wit of man could not have devised a more rude, ill-fashioned, inartificial, he would almost say absurd, if not ridiculous, mode than the present of performing that transcendental branch of the duty of Parliament which was connected with the private legislation. The Members of the House of Commons were unfitted to transact the business connected with Private Bills, including Road Bills, Canal Bills, Enclosure Bills, Railway Bills, &c., because as Members they were unaccustomed to the exercise of judicial functions, and still more because the construction of the other House rendered its Members ill adapted in another sense for that purpose. Each Member had his constituents, whose representations he must hear; he was naturally not indisposed to oblige them, particularly in reference to matters of local interest; and from hearing one party, and not hearing the other, he became even unconsciously, and as it were conscientiously, biassed. But it might be said that against this influence of the constituency, the Standing Orders recently agreed to—against the appointment of interested parties on Committees for Private Bills—afforded a valuable safeguard, the Commons having, after a long delay, and with great reluctance, adopted the Standing Orders which he (Lord Brougham) had had the good fortune of inducing their Lordships to adopt ten years ago. Alas! it was not so, for a "shift" took place; the meaning of which was, that an arrangement was made by which a Yorkshire Member sat on a Cornwall Bill, and a Cornish Member sat on a Yorkshire Bill, by which means the constituencies of both were gratified just as completely as if the Standing Orders had never passed. But let not their Lordships wrap themselves up in their dignity, and thank God, like the Pharisee, that they were not like other men—that they were not like those publicans and makers of taxes; for it was just possible that some such "shift" at times might take place within their Lordships' walls, in their more judicial, and therefore more pure, atmosphere. But to speak of the capacity of the parties who had to deal with this private business, he must say that it was of the highest importance to have skilful, experienced, and learned persons to decide on matters which were more difficult and more important than those which ordinarily came under the cognizance of the Judges of the land. The Members of Private Committees, in either House, were, to all intents and purposes, judges. They heard counsel and witnesses, and they came to decisions on conflicting testimony. They constituted, in fact, both judge and jury. Yet what experience had those individuals, to give them capacity to perform their high and transcendental functions? Why, a man might be two or three times a Member of a Committee in the course of the year. That did not give him sufficient experience; and when two lawyers disagreed before a Committee, the Members, to settle the matter, might take the opinion of another lawyer out of doors, to whom they stated the case (and very likely imperfectly stated it), and who gave his opinion without having ever heard either side. Thus it frequently happened that contrary decisions on the same points were pronounced. In an Election Committee, he knew that not long ago this happened: the question was one of law, and by a single vote it was decided in a Committee one day—next day the same point arose in another Committee; a Member of the former who had voted with the majority, and seated his political Friend thereby, now was called upon by his party duty to vote the opposite way, and for the same purpose: had he voted as before, his Friend would now be defeated. How did he act? He was taken ill, and a medical certificate relieved him from attendance; and the decision of the day before was wholly disregarded by the majority of the second day: the point of law was decided the very opposite way, and the sick Gentleman's Friend prevailed by his absence, as his other Friend had prevailed the day before by his vote. Of the Private Bills brought before Parliament of late years, a great proportion had been Railway Bills; but their Lordships must not suppose that because more than 400 Railway Bills were passed last year, and nearly the same number this year, they had done with legislation on the subject. There was no doubt that railways were of infinite use in promoting communication between one part of the country and another, especially in the conveyance of passengers; and therefore a great number of railways would undoubtedly be established. It was requisite, for the public convenience, that there should be smaller branches to connect the main lines of railway, or to connect outlying places with those lines. There was no doubt, therefore, that nearly, though not quite, as great an amount of railway business would be brought before Parliament during the next Session, and for some succeeding Sessions, as had been brought before them during the last and the present Session of Parliament. It must be remembered, also, that with regard to nearly every Railway Bill which was passed by Parliament, it was necessary to introduce a new Bill to alter, or amend, or extend the provisions of the original Act. He considered that they ought to deal with these great interests by means of some responsible tribunal; but there was no responsibility in Parliamentary Railway Committees, or in Committees on private business. The members of those Committees were singled out once or twice in a Session; but the instant they fell back into the body of the House to which they belonged, they had no individual known personality, and therefore no responsibility. He might be asked whether he attached blame to the professional men employed in Parliamentary Committees on Private Bills? He might be asked what he thought of that which was so loudly complained of—of counsel taking briefs in ten Committees, when there was not a possibility of their attending more than three or four, and of their receiving immense sums of money, 10,000*l.*, 20,000*l.*, 30,000*l.*, or 40,000*l.* in one Session? He might be asked what he thought of men receiving large sums of money with the certainty that they could not discharge the duties for which they were retained? He might be asked whether he blamed them for it? He knew the profession too well to blame them. The public said, "Why do they take briefs when they cannot attend?" But a counsel could not refuse a brief; he must take every brief offered to him, and his client must run the risk of his not being able to attend. His noble and learned Friend opposite (Lord Campbell) and himself had often been in that situation; and his noble and learned Friend knew that it was impossible to avoid it. But it was said that these gentlemen, when briefs were offered to them, ought to tell their clients they would be unable to attend. He knew that the late Sir W. Follett had over and over again told persons from whom he had received briefs, "Mind, I can't come;" and the reply was, "We know you can't come, but take the brief." And why was this? Because, after counsel had taken the brief, he could not be retained on the other side. The client had this benefit by giving him the brief; and all he got or could get was the beneficial chance in the lottery—the chance of his counsel attending. But then it must be a chance, and one equally open to all clients. If counsel took a brief from any client, with an additional sum to secure his attendance upon that client's case, and so gave a certainty to one while others were thus deprived even of a chance, he was guilty of conduct of which he (Lord Brougham) wholly and entirely disapproved. He had heard that cases of that kind had occurred; he disbelieved the statement; but he did say that, if the assertions were true, he had no language in which he could express too strongly—and he spoke as a Judge—his disapproval of such conduct. From every point of view in which he regarded this subject, he saw the importance of appointing a responsible tribunal to transact the private business brought before Parliament; and if this were necessary at present, how much more so in the next Parliament? He now saw in the columns of newspapers containing election advertisements the names of chairmen and deputy-chairmen of railway companies, and of large proprietors of shares in such undertakings, as candidates for seats in the other House; and, in many cases, these parties, who had the gift of numerous situations, ranging from 40*l*. to 70*l*. or 80*l*. a year, might probably be able to influence constituencies, and to obtain seats in Parliament. Their Lordships had heard of some Parliaments which were distinguished by particular names; they had heard of the "Habeas Corpus Parliament;" they had heard of the "Long Parliament," and of the "Lack-learning Parliament;" and he believed that next Session they would see a "Railway Parliament." He looked forward to a great change—nay, he doubted if our language itself would be safe. There would no doubt be first-class, second-class, and third-class Ministers; and persons would change their stations instead of their places. The power would be said to shunt from side to side; there would be many sleepers, and some signal men. They might even hear of some railway Member commencing his speech by saying, not "Had I caught your eye," but "Had my steam been up, Mr. Speaker." He had no doubt these railway Members would be found most temperate, most obedient, most submissive—not to the Treasury bench—but to their own signal—to their own flag—to their own boatswain's whistle—which summoned them to the charge against any reform—any improvement—any amendment of the existing railway system, which might be proposed; and it was not improbable that many jobs might be perpetrated, that much mischief might be done, and that much good might be prevented, in consequence of the perfect discipline and close subservience of these persons to their leaders. Those leaders would be implicitly followed without regard to any reasoning at all. The scene he saw before him reminded him of the famous simile of the great Italian poet:—

> "Like silly sheep that issue from the fold
> By one, by two, by three—the others stand
> Timid, with mouth and eye to groundward turned,
> And what their leader does, they all must do;
> Stop if he stops; and if he moves, go on;
> Simple and silent—but the reason why—
> Of that they nothing know and nothing care."
> *(Semplice e quete e lo imperche non sanno.)*

In such a Railway Parliament he expected little improvement as regarded the legislation upon Railway Bills. He therefore preferred the present, and hence his Motion. He had deemed it his bounden duty, from the interest he had always felt in the business of that House, to call their Lordships' attention to the subject; and he thought that now, more than at any other time, it became their duty to apply an effectual and timely remedy to the evils which he had endeavoured to point out. The minor matters of conferences, and of the mode of bringing up Bills from the other House, which he had incidentally brought under their Lordships' notice last week, were fit subjects, in his opinion, for the consideration of the Committee whose appointment he felt bound to propose. The noble and learned Lord concluded by moving—

> "That a Select Committee be appointed to take into Consideration the Mode of dealing with Private Bills, and holding Conferences with, and sending Messages to the other House of Parliament."

LORD REDESDALE concurred in many of the objections advanced by the noble and learned Lord against the course of conducting private business in that House; but at the same time he must say he did not think the evils of the present system were so great as the noble and learned Lord had described them to be. He (Lord Redesdale) must state, from his experience on the Committee of Selection, that no bargains were made by Members of that House with regard to their appointment or conduct on particular Committees. The question was, whether that which was now suggested did not contain on the face of it greater objections than the system which it was proposed to amend. It was highly desirable that some improvement should be made in the existing system; but the present was too late a period in the Session to take so important a question into consideration. He felt bound to say, after very attentively watching the proceedings of their Lordships' Committees, that instances of wilful partiality on their part were of the most limited description.

The DUKE of RICHMOND hoped the noble and learned Lord would withdraw his Motion for the appointment of a Select Committee, since it would be impossible for that Committee to make a report during the present Session. There was one alteration in the present method of procedure which he trusted would be adopted next Session, viz., that when Railway Bills passed the Standing Orders' Committee of the House of Commons, they should come at once before the Standing Orders' Committee of their Lordships' House, instead of first having to pass through all their stages in the other House. If this alteration should be adopted, both Houses ought never to consent under any circumstances whatever to suspend their Standing Orders. He trusted that, in the next Session of Parliament, the Standing Orders would be reviewed with a view to their improvement.

The MARQUESS of LANSDOWNE concurred in the application made to the noble and learned Lord to withdraw his Motion, although, at the same time, he should be sorry to have it supposed that he undervalued the great importance of the subject, or the necessity of providing against the inconvenience necessarily attendant upon one of the greatest changes that had happened in our social system. While he was ready to admit that further improvements were required in the mode of dealing with Private Bills, it could not be denied that considerable progress had been made in checking abuses in railway legislation. He would especially mention the appointment of the Committee of Selection by the other House, and the selection of a chairman by them, instead of leaving each Committee, as before, to elect its own chairman. He doubted whether the resolutions of the noble and learned Lord would prove as efficient in practice as he might suppose. Parliament would do well to give its attention to the matter at some future time; but he would not at present recommend to their Lordships to appoint a Committee, which could not, at this advanced period of the Session, do justice to the subject, or make a report which would give satisfaction to the public.

LORD BROUGHAM replied.

Resolved in the negative.

House adjourned.

HOUSE OF COMMONS,

Monday, June 28, 1847.

MINUTES.] PUBLIC BILLS.—2° Railways (Ireland, No. 2); Polling at Elections (Ireland); Post Office; Shannon Navigation; Bankruptcy and Insolvency.

Reported.—Master in Chancery; Print Works; Militia Ballots Suspension; Joint Stock Companies; Naval Mutiny.

3° and passed; Drainage of Lands (Scotland).

PETITIONS PRESENTED. By Mr. Hume, from the Literary Institute, John Street, London, for the Adoption of Universal Suffrage, &c.—By Mr. Bateson, from the Members of the Presbyterian Congregation of Myroe, Londonderry, for Better Observance of the Lord's Day.—By Mr. Hutt, from the Colonists of South Australia, respecting Waste Lands in South Australia.—By Mr. Prime, from Owners of Land, and others, in Sussex, for Repeal of Malt Duty.—By Mr. Bouverie, from the Committee of Merchants, and others, of London, respecting the Bankruptcy and Insolvency Act.—By Mr. Watson, from the Sufferers on account of the Seizure of their Ships by the Danes in the year 1807, for Liquidation of their Claims.—By Mr. G. Hamilton, from Dublin, for Inquiry into the Dublin Mendicity Institution.—By Mr. Bowes, and several hon. Members, from Durham, and other places, for an Alteration of the proposed Government Plan of Education.—By Mr. T. Duncombe, from the Fustian Cutters of Cadishead, for Regulating the Fustian Cutting Trade.—By Captain Pechell, from the Medical Men in Sussex, in favour of the Health of Towns Bill.—By Mr. Watson, from William Gustard, Old Kent Road, co. Surrey, and Charles Smith, Burton Crescent, co. Middlesex, against the Insolvent Debtors Bill.—By Mr. Blake, from Galway, in favour of Medical Registration and Medical Law Amendment Bill.—By Mr. Sotheron, from Relieving Officers, and others, for a Superannuation Fund for Poor Law Officers.—By the Earl of Shelburne, from Calne (Wilts), for the Repeal or Alteration of the Poor Removal Act.—By Mr. T. Duncombe, from Aberdeen, for Withdrawal of Armament in Portugal.—By Mr. J. O'Brien, from Limerick, and other places, in favour of Railways (Ireland, No. 2) Bill.—By Mr. J. H. Monahan, from Cashel, for Provision of Railways (Ireland, No. 2) Bill.

MORTALITY IN EMIGRANT SHIPS.

LORD J. MANNERS wished to ask the Under Secretary for the Colonies a question respecting the alleged mortality in ships conveying emigrants to Canada and to the United States. A statement he had received showed that the loss of life at sea had been extensive; and he hoped that something had been done to mitigate the evil.

MR. HAWES lamented to say, that the representations the noble Lord had received, were, he believed, but too well founded. There had unfortunately prevailed an extensive mortality on board vessels conveying emigrants both to Canada and to the United States. The Governor General of Canada had called the attention of the noble Lord at the head of the Colonial Department to the subject; and his noble Friend in consequence had sent out a despatch stating that he was extremely concerned to receive such lamentable accounts of the state of the passengers on their arrival on the other side of the Atlantic, and instructing the Governor General to take all possible measures to mitigate the sufferings of the individuals, whether as regarded the quarantine laws, the commissariat department, or medical attendance, and promising that the extraordinary expenses thus incurred should be duly defrayed. Pursuant to these instructions the Governor General had immediately taken measures to increase the medical assistance and to afford additional accommodation to the sick. He believed, therefore, that all had been done which could be done; and he hoped that the next advices would be more satisfactory. He did not apprehend that the mortality was owing to the state of the water on board the ships. He begged to inform the noble Lord that no accounts to that effect had reached the Colonial Office; and he doubted whether the loss of life was occasioned by want of accommodation, or want of purity in the water. In point of fact, the passengers in vessels which, after having sailed only a few days, were driven back by stress of weather, were found to be suffering extensively from fever and other kinds of disease. The House was perhaps aware that emigration agents had no power over the embarkation of passengers, They could only see that the contract entered into was fairly executed, and that the necessary provision was properly stored in; beyond that, they could do nothing. He wished it therefore to be understood, that whatever had happened, had not proceeded from any neglect of Government officers on this side of the water. On the other side of the water, the distressing subject had attracted due attention; and he was sure that the Governor General of Canada had done all in his power to remedy the lamentable evil.

Lord J. MANNERS was anxious to understand whether any farther steps had been taken on this side the water to prevent a recurrence of the calamity.

Mr. HAWES could not undertake to say that no farther measures would be adopted: whatever could be done would not be neglected; and if anything could be accomplished in the way of additional vigilance, by directing the attention of emigration agents or parochial authorities to the matter, the opportunity would certainly not be lost.

THE NAVIGATION LAWS—FOREIGN SHIPPING.

Lord GEORGE BENTINCK begged to call attention to a return that had been made, purporting to be a return of the foreign ships that had brought cargoes of corn to this country since the suspension of the navigation laws. It set forth no less than 538 ships, which, together, were represented to have imported considerably above half a million of quarters of corn. He apprehended there must be some great mistake in that return; and that no such number of ships with any such quantity of corn had availed themselves of the suspension of the navigation laws. The return also stated, that no less than 228,000 quarters of maize had been imported into Ireland by virtue of this suspension. Now, he happened to know that from the two ports of New Orleans and New York there had come, under favour of this suspension of the navigation laws, not a sigle ship from New Orleans to Liverpool, and but three ships from New York to Liverpool. He, therefore, thought when so small a number came from the United States to Liverpool, it must be perfectly clear that as maize could come alone from the Mediterranean, and from the United States, that this return was altogether incorrect, and must have been made under a misapprehension. He thought it must refer to all the foreign ships that had brought corn, and not alone to those that brought it by virtue of the suspension of the navigation laws.

The CHANCELLOR of the EXCHEQUER expressed his regret that his noble Friend had not given him an opportunity of making inquiry on the subject, because not having that opportunity, he could not give as satisfactory an answer as he would wish. When the question with reference to the extension of the term of suspension of the navigation laws was about to be brought forward, he wrote to the chairman of Customs to send them a return of the number of foreign ships that brought in corn by virtue of the suspension of the navigation laws. This was the return that was made pursuant to that order; and at present he could only presume that the return made by the Customs was in strict conformity with the order which had been made upon them. He would, however, again apply to the Customs to know if any mistake had been made.

SECRETARY TO THE BOARD OF TRADE.

Mr. T. DUNCOMBE had a question of

some importance, with regard to the Ministerial influence in that House, to put to the noble Lord at the head of the Government. He perceived that the Secretary of the Board of Trade had addressed the electors of Glasgow, and had made a very able statement of his political opinions. Now he wanted to ask the noble Lord whether it was legal for the permanent Secretary of the Board of Trade to hold that office and have a seat in that House; or whether it were the intention, if Mr. M'Gregor were returned, that he should continue Secretary of the Board of Trade? In that case they might have in the House the President of the Board of Trade, the Vice-President of the Board of Trade, and the Secretary of the Board of Trade, who was permanent, and not "removable;" and he should like to hear the noble Lord's opinion on the matter, which he thought was of importance. He, therefore, wished to ask the noble Lord whether Mr. M'Gregor could sit in that House if he were returned as Member for Glasgow?

Lord JOHN RUSSELL could not answer the question with respect to the legality of the Secretary of the Board being competent to sit in that House; that must depend upon the construction of the Acts with respect to the constitution of that Board. He did not, however, think it necessary to examine this question of legality, as he understood, when Mr. M'Gregor informed him of his intention to be a candidate for a seat in the ensuing Parliament, that it was not his intention to hold his office, should he be elected. The President and Vice-President of the Board of Trade were a quite sufficient representation of the Board of Trade in that House; and he did not think it was necessary that the person filling the office of Secretary of that Board should have a seat in that House.

RAILWAYS (IRELAND) BILL (No. 2).

On the Question that the Railways (Ireland) Bill (No. 2) be now read,

Sir W. MOLESWORTH was sorry that the Chancellor of the Exchequer had not withdrawn this Bill. He could not vote for it with any consistency, after having opposed, on principle, a similar measure when it was brought under the consideration of the House, at the beginning of the Session, by the noble Lord the Member for King's Lynn. He entertained precisely the same objections to both measures. He could discover no difference between them in principle. The object of both measures was to lend money at less than the market rate of interest to certain railway companies in Ireland; in other words, to give those companies a pension out of the public purse; and the amount of the pension would be equal to the difference which they would have to pay to Government for a loan of money if the Bill passed, and the interest they would have to pay for the loan if they obtained it in the money market. He asked, why those or any other railway companies should be pensioned by the State? No one could deny that in some shape or form the pension would ultimately be paid for by the public. That position had been proved by the right hon. Baronet the Member for Tamworth, in the debate on the Motion of the noble Lord the Member for King's Lynn. And he would ask, as the right hon. Baronet did when he summed up his financial objections to the measure of the noble Lord, whether it were just to impede the operations of the money market, or to incur the risk of fresh taxation, in order to give Irish railway shareholders money at 3½ per cent, for which they ought to pay 5 or 6 per cent? It was evident that the principle was the same, and the objection to it equally valid, whether the sum to be lent was 16,000,000*l.* or 620,000*l.*, or the rate of interest 3½ or 5 per cent. He would likewise ask if that was the time to encourage expenditure on railroads? On the contrary, most persons would admit that too much of the capital of the country had already been engaged in railway speculations. But it was said, in favour of the Bill, that good railroads would be very good things for Ireland. No doubt of it; as good for Ireland as for England. But why were they to be made at the public expense in the one country more than in the other? That was the question. It was said, that by lending money to Irish railway companies, they would employ numerous labourers, pay them good wages, and relieve destitution in Ireland. Taking all that for granted, upon precisely the same grounds public money should be lent to those English railway companies that were destitute of the funds for carrying on their operations, or could only obtain them at a higher rate of interest. For it must be acknowledged, that there was plenty of distress at that time in England; and that the labouring population were neither too well fed nor too well paid; in fact, they had given half, and more than half, their loaf to their Irish fellow-citizens. They did not grudge it them, though they had small thanks in return for it. They did not murmur. But they, their representatives, were bound to see whether these loans of public money would really and effectually relieve distress in Ireland. That was the question discussed on the Motion of the noble Lord opposite. On that occasion it was proved, over and over again, especially by hon. Members on the Ministerial benches, by the Chancellor of the Exchequer, and the noble Lord the Member for London, that if money were lent to railway companies, not more than one-half, probably less than one-third, of such loans would be expended upon the wages of labour; that of the labourers employed, a large portion would be skilled labourers, who, according to the noble Lord the Member for London, could always obtain good wages in Ireland, and many of whom would probably be imported from England. It was shown, likewise, that of the unskilled labourers who would be employed in constructing railways, the greater portion would be the most ablebodied men, who, if willing to work, could generally obtain employment. Thence it was justly inferred that little relief would be afforded by those loans to the really needy, destitute, and suffering; and that such relief as would be afforded to them would be insignificant and trifling as compared to the outlay which would be incurred, even in the highly improbable event of any considerable portion of those loans being repaid. These had been the chief arguments of the Chancellor of the Exchequer and his Colleagues against the measure of the noble Lord. They appeared to him to dispose of the question of relieving Irish distress by loans to Irish railways. It had been said, that in the peculiar condition of Ireland, political as well as social, the economical principles which were good for England, were inapplicable; and that it would be wise to encourage enterprise in Ireland, especially railroads, by means of British capital. With regard to that position, he would recommend hon. Members to read the able speech of the right hon. Baronet the Member for Tamworth on the Motion of the noble Lord opposite. On that occasion the right hon. Baronet had quoted numerous instances from his own experience to prove that attempts to foster enterprise in Ireland by means of British capital had generally failed; and thence the right hon. Baronet had inferred that similar interference on behalf of railroads would be equally unsuccessful; and the right hon. Baronet exhorted the owners of Irish property not to resign themselves to sloth, idleness, and despair—not to put all their confidence in Government grants—not to place their trust in Government patronage—but to act in concert—to forget religious hatred and political animosity — and to exert themselves for the improvement of the people who were dependent upon them. He would presume to repeat the advice of the right hon. Baronet, and would oppose the Bill, as calculated neither to relieve distress nor to foster enterprise in Ireland; but to strengthen the bad habit of relying upon England for assistance whenever an emergency occurred in Ireland. He would ask, who would be the chief gainers by that measure? He asked that question of the Chancellor of the Exchequer. On that occasion, to which he had already referred, the Chancellor of the Exchequer had stated that the persons who would be the gainers by loans of money to the railway companies would be the mortgagees—the shareholders, whose depreciated property would acquire increased value—and the landowners through whose property the railways would pass, and who would obtain a good price for their land. The right hon. Baronet scouted, therefore (in his opinion most justly), the plan of the noble Lord, as a scheme for the relief of destitute shareholders and mortgagees. He asked, what was the difference between the two measures? In principle they were identical. They differed only in magnitude. By the Government Bill, in the first instance, fewer railway companies would receive loans of money than by the measure of the noble Lord. But if they lent public money to certain railway companies, he would ask upon what grounds could they justly refuse hereafter to lend to other railway companies? They must acknowledge, either that the Bill in question would be an act of special favouritism, therefore, of injustice and abuse, for the benefit of those companies; or they must lay down the general principle that the railway companies who fulfilled certain conditions would be entitled to loans of public money; and then what security had they that they might not be compelled to go the whole length of the measure of the noble Lord? He would say, that as compared to the Bill of the Government, the scheme of the noble Lord had the outward semblance of a comprehensive and imposing plan. It did at first sight appear not unlike the project of a statesman—a bold and vigorous measure, calculated, perhaps, to meet a great and sudden emergency. It had been proposed when there seemed to be a pressing necessity to do something for Ireland—when they were assailed upon every side by clamours of distress—by tales of hideous misery and suffering—by begging landlords—by imploring priests—by penitent repealers and agitators—all calling aloud for assistance from England. Then it was supposed, that thousands were dying of hunger, that myriads would perish if unassisted. Men were at their wit's end as to what ought to be done for Ireland; and no two were agreed upon the subject. At that period the noble Lord (Lord G. Bentinck) had stood forward. He had manfully submitted his plan, such as it was, to the House; he supported it by every argument he could think of; it was patiently discussed, without party feeling; his arguments were carefully examined, ably met, and refuted—he was therefore abandoned by half of those whom he had looked upon as his party, and his scheme was rejected by a majority of three to one. After so signal a defeat, who had expected to hear again of the measure of the noble Lord? It was true, however, that in the course of that debate some of Her Majesty's Ministers had hinted that they might be inclined to lend some money to some railway companies; and, to his great astonishment, two months ago, that Bill had been introduced. He had, however, hoped, from the lapse of time, that it had been dropped; but just at the close of the Session it had been resuscitated, and they were called upon to vote for what the noble Lord had justly, though contemptuously, termed the fag-end of his project. Every argument, founded upon principle, that had been urged against the project of the noble Lord, still existed in undiminished force; but that urgent and imperious necessity which, in the minds of some persons, had constituted a plea for the measure of the noble Lord, was no longer in existence. The horrors of famine had been averted from Ireland. The immediate danger was passed and gone by. Meanwhile the population of Great Britain were suffering, partly, at least, from the measures which had been taken to relieve distress in Ireland. For instance, many manufacturers, in consequence of the dearness of money, arising from the demand for money to pay for the food imported for Ireland—in consequence, therefore, of the difficulty of obtaining accommodation—had been compelled either to stop their mills or to work short time. If they thought it proper to lend money to employ the unemployed, and to raise the wages of labour, why should they confine their aid to Irish railway companies? Why not extend their assistance to millowners at Manchester and elsewhere? They would gladly accept loans of money at much less than the market rate of interest — they would open their mills, fabricate abundance of goods, and with those goods pay for the food imported from abroad—they would offer security not worse than that of Irish railways — and they would confer greater benefit upon the industrious classes. For the labourers whom the railway companies would employ would be the ablebodied men who would be certain to find employment in the fields at that season of the year, and during the approaching harvest, both in Ireland and in England. On the other hand, the artisans whom the millowners would employ were unfit for field work; and, therefore, when the mill was stopped, their only resource was the workhouse. Therefore, if public money should be lent for the purpose of employing labour, Irish railroad companies were not the parties to whom money should be lent in preference to all others. In fact, if they admitted the principle of lending money to employ labour, and to raise the wages of labour, there was not a single trade or occupation from the Land's End to John o'Groat's house that had not then a claim upon the public purse. And they should remember, that every branch of industry which they did not assist, was positively injured by the assistance which they gave to any other branch of industry. Therefore, he said, they ought to assist all or assist none. To assist all would be impossible. He, therefore, contended, they should assist none; and on these grounds he objected to the Bill before the House. It might be said, that there was some special reason, independent of principle, which might be urged in favour of the Bill; and on a former occasion the Chancellor of the Exchequer had given a special reason for the measure —a strange one it had been. The Chancellor of the Exchequer had stated, that at the commencement of this Session he had estimated that a certain sum of money would be required for certain purposes in Ireland, namely, eight millions; part to feed the people, part to improve landed property, part to reclaim waste lands. The right hon. Baronet had discovered that the whole of that sum would not be required for the purposes already mentioned, and that it would be neither wise nor expedient to expend public money on the reclaiming of waste lands; consequently, unless the right hon. Baronet could discover some other mode of expending money in Ireland, his calculations would be erroneous—he would require less money than he expected—there would be a surplus of some 600,000*l.* What could he do with it? Why, he would give it to some railway companies. That was the right hon. Baronet's only reason for that Bill. In short, the right hon. Baronet had asked for a certain sum of public money for Ireland; and he was determined to expend the whole of it in some manner or another—good, bad, or indifferent. And in reply to the assertion, that the manner in which he intended to expend it by that Bill was a bad one, his only answer was, that no additional loan would be required for the purpose. Was that a proper answer? Did not every farthing of public money improperly expended increase the burdens of the country? And were the burdens of the people so light that they should reject every possibility of diminishing them? In his opinion, they had better return the 600,000*l.* to the pockets of the people, and let it fructify there, than throw it away upon Irish railway companies, to the benefit of none but mortgagees, landlords, and shareholders—to the positive and ultimate detriment, he believed, of the Irish people, by encouraging them in the bad habit of relying upon England for assistance. He concluded by moving that the Bill be read a second time that day three months.

MR. WILLIAMS did not expect the Government would have revived this Bill. He feared that the result would be to shake the confidence which the money market had in the management of the Government, as regarded the finances of the country; and the right hon. Gentleman the Chancellor of the Exchequer would find, if he pursued a measure of this nature, he would entirely lose the confidence of the mercantile interest. Let it be recollected, that since the right hon. Gentleman came into office, eight millions had been added to the permanent debt of the country; and in the course of the first eight months he was in office, the balance in the Exchequer had been reduced from 9,000,000*l.* to 5,450,000*l.* He thought, if the right hon. Gentleman would look to what he had done in the management of their financial affairs, he would find that he had done sufficient mischief already, without taking up the interests of railway speculators in Ireland. The present condition of the money market did not warrant such a proceeding. The Bank of England had just emerged from a position of great difficulty. Those individuals who are engaged in the trade and manufactures of the country, were slowly recovering from that depression of the money market which very recently nearly overwhelmed many of them; and before they could recover themselves the right hon. Gentleman came forward with this measure. If this course were to be pursued, he was quite sure before two years had elapsed, the right hon. Gentleman would bring the country into that state of difficulty to which the preceding Government to which he belonged had reduced it; and it would require some more master hand to restore its finances, than appeared to him to be at the command of the right hon. Gentleman. He wished to know where this money was to come from? Was it to be borrowed on Exchequer bills? The right hon. Gentleman had had the greatest difficulty in keeping the Exchequer bills above par; he therefore presumed that the right hon. Gentleman would not resort to this resource. It was the duty of the Chancellor of the Exchequer to husband the resources of the country, instead of resorting to such a measure as this, which would cripple them.

LORD JOHN RUSSELL: I stated on a former occasion the reasons of Her Majesty's Government for proposing that this measure should be adopted by the House; I, for one, believing it was not at variance with any acknowledged principle adopted by the Legislature on former occasions. The hon. Baronet who commenced the debate said—and I know it is a popular, but at the same time a very superficial, objection to the plan—because the House objected to the adoption of the plan of the noble Lord the Member for Lynn, at the commencement of the Session, that it ought not to assent to the present measure. In opposing that plan, there were two grounds chiefly relied on to induce the House to reject it. The one was, that it laid before us an immediate prospect of a great expenditure, and when it was not known in what state the money market would be when this expenditure would be required; and we also thought that it would be improper, in the then state of affairs, to pledge the House to a plan by which 16,000,000*l.* would be required to be raised by loan. Such was the main, and, I believe, the decisive objection to the plan. Another objection relied on was, that the plan was not effective for the immediate purposes in view—namely, for affording the means of supplying food to distressed millions of Irish who had lost their sole article of subsistence. I thought those objections were sound. I then thought, and I think still, that railway employment is not the best kind of employment to afford immediate relief to a people, many of whom are aged and infirm, and all have been left without their ordinary means of obtaining food. But when I opposed the noble Lord's Motion, towards the end of the debate, I said distinctly that the object to which that proposition applied was a legitimate object; and that public works at all times had been advantageously encouraged and brought to perfection by advances of public money, and that railways might be considered among the most useful of such works. Such was the statement which I made when I opposed the Motion of the noble Lord. I contend, therefore, there was nothing in the arguments used by Her Majesty's Government—there was nothing in the decision of the House—on the very large plan proposed by the noble Lord—and to the comprehensiveness of that plan, and to the ability with which it was brought forward, I then did only justice—there was nothing, however, in that decision to preclude this House for ever from making advances to any railways. If we take the objection of the hon. Baronet the Member for Southwark to the extent to which he carries it, the case will be different; for the hon. Baronet argued, because the plan of the noble Lord the Member for Lynn was rejected at the commencement of the Session, the House never is to sanction an advance of money for the completion of railways in Ireland. A more violent conclusion, or one more at variance with practice, could not be urged. The late Chancellor of the Exchequer, referring to this subject, said, that it was the custom every year, out of the balances of public money, to make advances for the promotion of useful works. Many useful works with which I am acquainted have been completed by advances of money to the amount required, say of 40,000*l.*, or 50,000*l.*, or 60,000*l.* Many works of great public value have been undertaken and completed by such advances, and which individuals would not have been likely to have undertaken. It is also a misapprehension of the plan on the part of the hon. Baronet, to suppose the interest to be paid for those advances for Irish railways was to be 3½ per cent, and therefore very low, and under the average rate charged. The rate of interest to be charged for such advances will be 5 per cent—the usual rate for advances of this description. Therefore, so far from varying from the general principle, it is in exact conformity with the principle acted on by this House. I must admit that on this occasion we are going beyond the usual amount of advances for public works; but the question is not that which the hon. Member put to the House—shall we, or shall we not, adopt a plan which requires a larger advance than the Exchequer Loan Commissioners can advance from the amount at their disposal. I admit this to be the case, and I am prepared to make out a case of exception; but so far from this being a reason for not proceeding, I put it to the House whether the present state of Ireland does not form an exception to the rules which should generally guide us. The hon. Baronet talked of mills in England and of manufactures here; but is there anything in the state of England resembling the state of things in Ireland? You must look at the condition of Ireland as it has been made by a long course of legislation and government. You must look at a people amounting to several millions, occupying the most miserable habitations and depending on the lowest description of food, and living on an amount of the necessaries, still less the comforts of life, much less than is usually enjoyed by English labourers. What is the cause of this state of things? Let us look back to history and see what has been done in past times, and thus trace the influence of Government on the condition of the people of this and other countries, not merely for the last twenty years, but for centuries. If we look to the condition of Tuscany, we cannot help tracing back a portion of the happy condition of the people to the rule of that flourishing republic which so long ruled there; if we look to Flanders, we may still see some of the remains of the good government of the House of Burgundy; and if we look to Gallicia, we still see many effects of the influence of the Moorish rulers on the condition of the people. In every part of Europe in which I have travelled, I think effects can be traced in the condition of the people to the acts, not of the Government existing at the moment, but of governments and rulers long since passed away. Ireland is no exception to this rule. If we look back at what has been the nature of the legislation for Ireland, we find that the great majority of the people of that country were debarred from all offices in the State, and from all distinctions at the bar and other professions; they were debarred even from the peaceable enjoyment of a landed estate; for any kinsman of the owner choosing to turn a villain might deprive him of it. When such was the tendency of the laws to degrade and injure them, it is not surprising that the people were reduced to the lowest condition of human life. It would be a narrow and unjust view of our duty to Ireland if we merely looked to what has been done during the last ten or twenty years, or since the Union, and then lay down such a principle as the hon. Member for Southwark laid down with such complacency, namely, that she should be left to her own resources; and as England has done well when left to herself, so would Ireland. If Ireland had been governed as England has been governed, no doubt she would be able to do well. It is not the late legislation—not the Act of 1829—that act of tardy justice, which can in a few years place Ireland in a condition to work out her own prosperity, and place her people in such a state of comfort and happiness as the English people are placed. In consequence of the state of misery, crime has increased; and in consequence of crime, capitalists have been afraid to settle there. This, I repeat, has been the result of crime; but crime has arisen from general causes, which it is the business of the Legislature to deal with; not merely find fault with outrages committed from time to time, growing out of particular circumstances, and not caused by any thing in the particular character of the people. Therefore, I say, there is abundant reason why we should do more than what first seemed called for. There is abundant reason, I think, why we should not be satisfied with what—as I admit with the hon. Baronet—the House has freely and liberally done, namely, given millions derived from the industry of other portions of the empire, to relieve the distress existing in Ireland. In what situation do we now find her? Some persons who declare they have the means of arriving at a sound conclusion on the subject, state that the potato crop of the present year will be only one-fourth, or one-fifth, or one-sixth the usual quantity; and one person, who I think is a very high authority on the subject, says that it will not amount to one-half. But whatever is the amount, there is reason to believe that a great portion of this crop will perish. The people have exerted themselves latterly in sowing a portion of their grounds which have hitherto produced potatoes with different kinds of corn, and a great portion of the corn lands have been sown with turnips, which will produce a much greater quantity of green crop than usual. But for the maintenance of the people, it should be recollected that the produce of three acres of wheat is equal only to one acre of potatoes. Will any one, looking to the condition of Ireland, not for the next six months, but for the next five or six years, tell me that he can do so without apprehension that the sufferings of the people may be extreme? We have imposed on the land and the property of Ireland a very considerable burden. We have made them responsible, in the first instance, for the situation in which they now are; we have imposed the expense of maintaining the labourers and their families, for whose service there is no actual demand, on property in Ireland; but, looking to what is the condition of Ireland, we must by every means in our power assist in rescuing the people of Ireland from their present state; and by exertions on our part to work out a state of improvement, we must give them effectual aid in working it out for themselves. I will not go into other matters on the present occasion. But with regard to the measure before the House, I deny that there is anything at all in it either chimerical or empirical. Several years ago the Government appointed a Commission, composed of the late Lieutenant Drummond, Colonel Beaufoy, Mr. Barlow, of Woolwich, and Mr. Griffiths, to consider the whole question of railroads in Ireland, and they made a most elaborate report on the subject, and recommended most strongly the formation of a railroad from Dublin to Cork as one of the greatest importance. They examined the matter geographically, and carefully investigated all the physical conditions of the country. Captain Harness, of the Artillery, was also engaged in making inquiries as to the probable amount of traffic on such a railroad. These gentlemen made a most elaborate report, and strongly recommended a railroad from Dublin to Cork, on the ground not only of the pecuniary benefit, but also on account of the moral benefit which it would produce both to Ireland and England, and the effect it would have in cementing the union between the two countries. They gave various other reasons in favour of a railroad from Dublin to Cork; but I think the last they mention is of great importance. Cork being a naval and a mercantile station, the traffic and the numbers who will travel along the line will be considerable; and I think such a railroad is likely to be the source, not only of immediate employment—that is not what we so much look to—but of a closer connexion between England and Ireland, and of immense advantages to both countries. In considering this matter, therefore, I think we propose to take a step in the right direction towards promoting the improvement of Ireland. In the former part of the Session, we asked the House to assist in alleviating the immediate distress of Ireland; and what we shall have to consider in a future Session is, how we can raise Ireland from the condition in which bad government has placed her, so that she shall be in a condition to stand by England both in the hour of prosperity and in the hour of adversity—fully sharing our prosperity, and affording aid and support in any dangers which may threaten. I am sure that it would be taking a narrow view of the question to say that we will not grant money for this purpose, because in England such works have been completed without any such advance. To act upon such a principle would be most injurious to both parts of the empire. If we mean to act in a spirit of amity to Ireland, we must do what is calculated to carry out improvement in that country. The hon. Member for Coventry made a most extraordinary objection to this advance of money. It was that the railway, for the completion of which it was intended, was half finished. If I had asked the House for a vote for a railway which had not been begun, and when the advantages to be derived from its execution were problematical, and when the persons promoting it were not ready to advance their private capital, there would be a plain and obvious objection to the proposal; but when the parties have already expended fifty per cent of the cost of its construction, and have finished many miles of railroad, and have found on those parts completed a very considerable traffic, I think we have a very satisfactory reason for supplying the means of finishing it to such an important place as Cork. To oppose the proposition on the ground stated by the hon. Member, was merely to oppose it right or wrong. The noble Lord opposite (Lord G. Bentinck) might say that this was not the only line of railway which should be promoted. This was a railway which was recommended to the Government as one of the great lines of Ireland; and as fifty per cent had been paid upon its capital, it was in a state for going before the Exchequer Loan Commissioners for an advance of money. This is the reason why the House should adopt this railway; and it will be for the noble Lord, or others, to show that other railways come within the condition. What the Government propose is, that a specific sum for the purpose should be taken within the present year; and this proposal is very different in its nature from that of the noble Lord. The argument of my right hon. Friend the Chancellor of the Exchequer, on this subject, has been entirely forgotten. He had said as 8,000,000*l.* was to be advanced for the maintenance of the people, and as another amount was to be devoted to the reclamation of the waste lands, it would be unwise to come down and ask for such a large amount as was then proposed by the noble Lord. My right hon. Friend has been asked how he is to get this 600,000*l.* My right hon. Friend's answer is a complete one, for he says, "I have no difficulty about this; for there is already a provision made for that amount in the expenditure of the current year—a provision which will admit of the laying out of 600,000*l.* for this purpose." The answer of my right hon. Friend has all along been, that there would be no difficulty in finding money to this amount; but now the hon. Gentleman says, because my right hon. Friend has found that he has got this money, he is determined to spend it. I think I have shown in former debates on this question—as I believe I have shown now—that the object in view is good. The hon. Gentleman who spoke last objected to the measure on the ground of the state of the finances, and stated that the balance in the Exchequer had been reduced between last year and the present from nine to five millions. Now I find from a return on the Table that the balance in the Exchequer on the 5th of April, 1846, was 6,546,000*l.*, and on the 5th of April, 1847, it amounted to 5,459,000*l.*, being 1,087,040*l.* less, and not the amount stated by the hon. Member. When the question of finance is considered fairly, I conceive that we should not leave out of view the effect of the great calamity which has been experienced. If the House has resolved to advance a large amount of money for the alleviation of the existing distress in Ireland, I should have thought that it would be clear that we cannot carry on the finances of the country in the same way as in ordinary years. No financier in this House but the hon. Member for Coventry supposed that the results should be the same when the circumstances were essentially different, or would compare them at present with the results of an ordinary year. In conclusion, I trust the House will agree to the proposal as part of a general system of policy which the House should adopt in the government of Ireland, and as only an act of justice to that country.

MR. ROEBUCK wished the House to mark well the last words of the noble Lord, namely, that this proposal was part of a general system which he was about to adopt with regard to the Government of Ireland. And how did the noble Lord lay this down? He said, in the early part of the Session, the noble Lord the Member for Lynn made a proposition for a large grant for this purpose. The noble Lord opposed the Motion, knowing, as the noble Lord did then, and now, the extent of the calamity in Ireland. The proposition was a general vote to extend over four years. The noble Lord opposed the vote on two grounds. The one was that the general state of the calamity called for the expenditure of a very large sum for the purpose of relief; and if this amount was expended on railways, it would not relieve the most destitute. The noble Lord then proposed a grant of 10,000,000*l*., to be expended over 1847 in the relief of destitution. The scheme of the noble Lord the Member for Lynn was, that 4,000,000*l*. a year should be taken for four years. The noble Lord (Lord J. Russell), he conceived, had properly opposed this proposition, and should have been consistent in his opposition to it; but the noble Lord had not been consistent. The noble Lord showed that this was not a scheme adopted for Ireland; but he comes forward and attempts to take the plan of the noble Lord the Member for Lynn as part of his general system for the government of Ireland. The people of England should understand what this meant if it rested with him. He objected to any advances being made for Irish railways. He objected to the grant of the large sum proposed; and he objected to the small sum, because it would not afford any relief to the people. The noble Lord said, consider how Ireland had been governed for centuries; consider the condition of Ireland was not a case of yesterday, but you have centuries of oppression to deal with. He objected to send capital to Ireland for such a purpose, for the state of the country had nothing to do with the formation of railways. It was not the want of railways, but the existence of the Irish Church, which was the cause of this state of things. The law did not make the people of that country equal, for the law made the Catholics serfs, and the Protestants oppressors. The noble Lord now came forward with a pitiful proposition for 600,000*l*. for railways, as an indication of what was meant to be done. Why was this applied for at that period of the Session? Did the idea of railways never suggest itself to the noble Lord at the early part of the Session? The noble Lord said that it did, but that he hesitated on the matter. The noble Lord now pointed to the book before him (the Report of the Commissioners on Irish Railways). Surely the noble Lord could not suppose that he could impose upon him by pointing to that book. The book merely said, that the formation of railways would be attended with commercial advantages to Ireland. No one doubted but that railways would be beneficial to any country. If they made one through New Zealand, no doubt it would be attended with beneficial results; but the question was, whether this was a legitimate mode of employing English capital. This calamity of Ireland seemed to be a sort of ball tossed from side to side, and which was made greater by being struck back from one to the other. The noble Lord formerly said, that the formation of railways would not relieve the aged and the impotent or the starving, and therefore must strike them out in the consideration of the relief to the calamity in Ireland. The noble Lord said, that there was no use in dwelling on the humanity of the people of England, and immediately asked, will you not give 600,000*l*. to meet this calamity? It must be remarked, that this 600,000*l*. was not lent to the starving population of Ireland. If it could be shown that it was about to be lent to alleviate the calamity in Ireland, he should have objected, but not on this ground. He should have protested against it on very different grounds. The noble Lord said truly, that for some time they must look to anything but years of plenty. He had no hesitation in saying that the potato crop for the present year would be a most unhappy failure. In England he had had communications with many districts; and he had reason to believe that the potato crop would be a failure; and all the spring crops in this country, but pulse, would be extremely short. Therefore, as regarded all the white crops, we must expect a short coming harvest. As for the wheat, it would not be more at best than an average crop throughout the United Kingdom; and there was nothing in the appearance of things in America to encourage much hope or expectation. In this condition, what was it that ought to govern the Ministry of this country? Ought it not to be a resolution not to waste our substance or our hopes on idle projects of railways in Ireland? Did we not know that all the stocks of food in England and in America had been consumed by the short comings of last year: that the question no longer regarded granaries loaded with grain, rendered useless by the operation of prohibitory laws in this country; but one of granaries emptied by the unexpected demand; and that all we had to depend upon now was the coming harvest of the year? So fearful a state of expectancy for this country had never before been known; and although the noble Lord was not by any means answerable for such a lamentable condition of things—although he could not be held in the smallest degree responsible for the dispensations of an Almighty Providence—yet he would be answerable for not preparing, so far as human prudence or foresight could prepare, to meet the consequences of that divine dispensation. What would the noble Lord do in his own individual case? Let it be supposed that he were about to expect a prime season so far as his individual property was concerned—that he were to have a large surplus—would he go to the railway king, and offer him his money to be used in speculation? He knew that the noble Lord did not expect any return for this money which he proposed to advance. The noble Lord the Member for Lynn, in making his proposition, had said, that all he wanted was to give employment to the people of Ireland. The hon. Member for Lincoln said the same thing. The noble Lord had opposed the proposition of the noble Lord the Member for Lynn; and now, under what possible supposition or pretence did the noble Lord come forward to ask the House for these monies? Why, he said, "You know how we have misgoverned Ireland for centuries;" and then he looked across the table at the noble Lord the Member for Lynn, and begged the House not to think that his proposition had anything to do with, or that it bore any resemblance to, that of the noble Lord. ["No, no!"] He said the Government knew the noble Lord the Member for Lynn was wrong when he brought forward his measure, and that he was wrong still. But he must tell the noble Lord, that it was an unquestionable doctrine of political economy that the people of England were the best judges of the way in which their capital should be employed. One of the reasons urged by the noble Lord for giving assistance to this particular railway was, that it was nearly finished. And the noble Lord produced a large report that had been written to show and to prove the great advantages to be derived by it, and censured the hon. Member for Coventry for having refused to sanction the giving of money to an undertaking that was in so advanced a state. Why, if it were such a flattering speculation, how came it that the directors were not able to borrow the money requisite for it in the usual market? The noble Lord knew they could not; and what then was he going to do? To tax him (Mr. Roebuck) and every Gentleman present in the House, and all the people of England, for the purpose of lending the money to certain speculators in Ireland; and whilst the people of England could get 10 per cent for their money by lending it themselves, the noble Lord was going to lend it at five. But what was the noble Lord going to do for the future with respect to Ireland? If the noble Lord could show them that he was going to establish security in Ireland for person and property, and if he could actually render life and property safe, he would have done all that a Government should do. But he was going to do more. He was not going to render life and property secure. He did not wish to misrepresent the noble Lord, and he was anxious not to be misunderstood. He was quite sure the noble Lord would do everything that lay in his power to render life and property in Ireland secure; but the noble Lord was going to try to do something else before making life and property secure. The noble Lord was going to take money from the hardworking, industrious people of England, and to use it in speculation, by way of effecting the "regeneration," as it was termed, of Ireland. A more wild or a more mischievous project never entered into the head of any Government. The noble Lord would find himself utterly and totally impotent to effect such a purpose. Let the noble Lord confine himself to the proper business of Government, and not yield to the rapacity—and he used the word advisedly—of parties at the other side of the Channel, who called upon him to help them with the proceeds of the hardworking and industrious people of England. Let him not be misunderstood. He did not want to charge the noble Lord with anything but what he was at present doing. The noble Lord's intentions were, he believed, altogether unexceptionable. But he believed he was only doing his own duty fairly and honestly when he said, the noble Lord was about to misapply the hard earnings of the industrious people of England to a mischievous project of railway speculation in Ireland. There was something, too, very peculiar in the railway that had been selected. Why had that particular railway been selected? Why, because it was nearly finished. That was the only argument which the ingenuity of the noble Lord could suggest—that he was about to help only those who had already reached the shore. He could understand the noble Lord if the noble Lord had said that his reason for making the advance was that the regular tide of capital would not flow into Ireland. But, on the contrary, the noble Lord had said, that this was an instance in which the regular tide of capital did flow; but would the noble Lord place his own money in the speculation? and if not, should they (the English people) have their money invested in the same way as that in which the hon. Member for Lincoln had invested his. That hon. Member came constantly to the Table of the House to urge them to make those advances to help speculators, who had invested their money in shares during the high tide of the railway mania, but whose shares, that once promised to be fortunes, were, now that the tide had ebbed and fallen, valueless. In such a dangerous condition of railway speculation, what was the universal and last resource? Why, the unfortunate Chancellor of the Exchequer. But although it might be very painful to the Chancellor of the Exchequer to be obliged to listen to those applications—to have them made to him, and yet be unable to respond to them in the manner he could wish, by granting their prayers—it was still a more painful consideration to the taxpayers when he did grant them; and, sympathizing as he did with the painful feeling of the Chancellor of the Exchequer in being obliged to refuse, he sympathized more deeply still with the taxpayers when the Chancellor granted, because it was they who had to pay. And for what? For the wild, the daring speculations of the hon. Member for Lincoln. He had a right to single out that hon. Gentleman, and to attack him; for he had said that he was going by these means to employ a large number of the people of Ireland. The noble Lord the Member for London had replied to the hon. Member for Lincoln, that he could not by such means employ a large number, and that he never would. But the hon. Gentleman had still pressed, and, standing at the corner of that Table, he had again urged the noble Lord to consent. He (Mr. Roebuck) could easily understand the anguish of expectancy, and the pain of being refused. But he had a sympathetic pain; he did not, and he could not, see the reason why he should be compelled to make up the loss arising from the wild speculation of any portion of Her Majesty's subjects. And if the field of the unfortunate speculation were Ireland, and that an attempt were made to enlist the sympathies of the people of England in favour of the speculation, by appeals to their charitable feelings, and by setting forth the miseries consequent upon the loss of the last potato, he felt it to be his duty to, and he would, unmask the pretence, and show the people of England that it was not the loss of the potato that had brought ruin upon the unfortunate speculators. He hoped Her Majesty's Government would reconsider this matter—that they would carefully, gradually, and seriously consider what they were about to do, and what would be the consequences of the measure they were proposing. The noble Lord had said, that it was to be but the first step in a plan, and not at all like that of the noble Lord opposite. When that noble Lord (the Member for Lynn) had said that he was going to open up the internal resources of Ireland, the noble Lord the Member for London said he could not admit the proposition. Yet he now said he thought the measure before the House a good plan; and he proposed it to begin with; and at a time when England was on the eve of very great distress, he was about to put his hand into her pocket, and to lay out her money in speculation in Ireland. If there were one thing which more than another was an incontrovertible fact, it was, that the Administration (and he begged to call the attention of the Chancellor of the Exchequer particularly to it) could never employ the capital of the people in mercantile speculation with one half the efficiency that the people themselves could. That he laid down as a perfectly incontrovertible doctrine; and he deprecated their bringing English capital into Ireland, not according to the ordinary rules of political economy (for the noble Lord had himself admitted that the present proposition was a breach of those rules), merely because of that dreadful misrule with which Ireland had been for centuries overwhelmed. It was the first time that he had heard such a doctrine and such arguments broached in the House of Commons; but it was as a first step in the new scheme that he especially opposed it. It was because he believed that the Government was impotent when it attempted to employ the money of the people for other purposes than the preservation of tranquillity and the security of property and life. The moment the Government began to be a money lender, it would begin to be a money loser; and the only expectation that any man of ordinary wisdom could have, when the Government became a merchant, would be that it must end in bankruptcy. The time was fast approaching when the Government of the country would have to render an account of its actions at the bar of public opinion. The Chancellor of the Exchequer would be expected to render an account of all his doings; and one of the most severe of all the ordeals through which he would have to pass, would be, having to explain to the mercantile community of England how it was that he, a Member of the Government, had seized upon the property of the people, and invested it in a wild speculation in the railways of Ireland, because, forsooth, Ireland had been misruled for centuries.

LORD G. BENTINCK: The last sentence in the speech of the noble Lord the First Minister of the Crown, at which the hon. and learned Member for Bath (Mr. Roebuck) took so much alarm, "that this is part only of the general policy that the House ought to adopt with respect to Ireland," is that part of his speech which gave me the greatest pleasure. I concur entirely with the noble Lord, "that this is a step in the right direction;" and although it may be said that this proposition is not mine, I trust it will grow into mine. The hon. Baronet the Member for Southwark (Sir W. Molesworth) said, "that the proposition of the noble Lord was one which tended to place Irish railways as pensioners upon this country!" Sir, I think if the hon. Baronet had said that the proposition made by the noble Lord was one that tended to make the English Government a pensioner upon Irish railways, he would have been nearer the mark, and would have had more reason and more truth on his side; for although I cannot claim for the measure which I introduced that I was going to seek to obtain five per cent from the necessities of Ireland for money which I borrowed at *3l.* *7s.* *6d.*, yet such is the proposition contained in the measure of Her Majesty's Ministers. The consequence is, that whilst they propose to lend to three Irish railways 620,000*l.*, they will obtain from these railways 31,000*l.* a year, whilst the cost to the Government is only 20,925*l.*; a year: so that, in point of fact, Ministers are going to make use of their superior credit for the sake of usury; and, so far from losing by the transaction, as the hon. Member for Southwark would have the people of England believe, the result of the whole is that Her Majesty's Ministers will clear above 10,000*l.* a year profit. Now, I have no wish to take more merit for my own scheme than it possessed; but I am bound to confess that I did not propose to make money out of Ireland by using the credit of England. All that I proposed was to get back by means of good security the money which I lent, charging the same interest at which I borrowed. The hon. Gentleman the Member for Coventry (Mr. Williams) thought the Chancellor of the Exchequer ought to have been warned by the effect which his Irish railway proposition had produced in the city of London. Now, for my part, I am quite unaware of any bad effects having been produced by this proposition. I do not hear that Exchequer bills have fallen to a discount, or that the funds have experienced a decline. We all remember that the funds rose one or two per cent immediately after the completion of the transaction for borrowing the "eight millions." The subsequent difficulties which occurred in the money market arose from other and distinct causes, and were totally unconnected either with railways or the loan of the Chancellor of the Exchequer. If it were my wish, however, in the present state of the measure before the House, it would not be possible for me to make any Amendment. I confess that I had desired to move an Amendment that all other railways similarly situated, such as the Great Midland and Western and the Waterford and Limerick Railway Companies, should participate in the like advantage; but I am in a great measure dissuaded from pressing their claims on the House, because, as I understand, an assurance is given by the noble Lord (Lord John Russell) that when these railways put themselves in a position equivalent to that in which the Great Southern and Western stands, a corresponding advance will be made to them. Well, Sir, what are the circumstances of these two railways which are seeking equal assistance? I will take first the Great Midland and Western of Ireland. What is its position? The proprietors have expended on their railway more than the half of the capital. They have expended 537,000*l.* out of their capital of 1,000,000*l.*; and they have purchased the Royal Canal for 300,000*l.*, 200,000*l.* of which has been actually paid, and 100,000*l.* has been placed upon the canal property by mortgage. Well, that canal is now paying 15,000*l.* a year, so that the company have this 15,000*l.*, less the interest on the mortgage, to offer in addition to 537,000*l.* already expended as security for any advance which the Government may think fit to make. Of the line to Dublin, seven-and-twenty miles will soon be opened—in fact, that portion of the line was to be opened this very day; and assuming that the clear profit from these twenty-seven miles of railroad already opened shall not exceed 50,000*l.* a year, we have this sum, together with the 15,000*l.* a year, ready to offer you as security for the loan of 133,000*l.* which they ask. Therefore, if good security is the only matter in dispute, I maintain that the Great Midland and Western stands in as good a position to offer ample security for the loan as the Great Southern and Western. But the noble Lord has said "that this is one of the railways that were recommended originally by the Railway Commissioners;" but was not the Great Midland and Western one of the lines recommended also? The noble Lord seems to forget, however, that the other railways, the Waterford and Kilkenny, and the Dublin and Drogheda, which are to enjoy the advantage of a Government loan, were not recommended by the Railway Commissioners; at all events, therefore, the Great Midland and Western has superior claims to two out of the three to which it is proposed to make advances of money. The noble Lord said there were only two grounds upon which he objected to the scheme I originally proposed. One was the immense amount of money which would be required; and the other that the plan was not adapted for securing an immediate supply of food. But I remember that a great many other grounds were alleged as reasons for opposing my measure. One was that the security was not sufficient for the repayment of the money; that few Irishmen would be employed; and that Englishmen would have the chief advantage; and one hon. and gallant Member (Sir Charles Napier) who came to the aid of the Government, went further, and asserted, that not only would no Irishmen be capable of being converted into railway labourers, but "that Irish 'navvies' were a class rarely married, and who never got children." In regard to one statement which was made by the Chancellor of the Exchequer, in answer to me that railways would not employ more than twenty or thirty men a mile in their construction, and that the 4,000,000*l.* a year which I proposed that the Government should lend in aid of 2,000,000*l.* to be expended by the private speculators, would only employ 45,000 persons a year—I am happy to find that Her Majesty's Ministers are now grown wiser, and affirm to-day that 50 men will get employment per mile; and thus that 15,000 men will be employed by the loan of 500,000*l.* now to be advanced in aid of the Great Southern and Western Railway works. Such being the case, I am quite prepared to support the scheme proposed by Her Majesty's Ministers; and I, for one, am not afraid to stand or fall by the economy of this proceeding. I am ready to go before the people of England, and show to them that this scheme, so far from being a scheme to make the people of England, as alleged by the hon. Member for Bath, "feed the rapacity of the Irish nation," is a scheme by which, whilst the people of Ireland will be benefited and employed at home, they will be prevented from emigrating to England to interfere with the working men of this country, beating down by competition the wages of English labourers; so that the working men of England will be the greatest gainers by the arrangement. I am prepared to show that this constitutes the essential value of this scheme of lending money to promote public works of utility in Ireland, and that when you lend money on Irish railways on ample security, you do not tax the people of England at all; while, on the contrary, by going on in the course which the Government has pursued, of squandering 10,000,000*l.* a year in a way in which the one-half of what is so squandered is not to be repaid or asked for, and the other half which is to be asked for, rests on very doubtful security, as has been acknowledged by the Chancellor of the Exchequer himself, you do tax the people of England very grievously—I say that the existing mode of lending money, and of feeding the people of Ireland by means of useless public works, is a tax, without hope of return, on the people of England; but this money lent by England to employ the Irish people on Irish railways will all be repaid, and will not cost England a single farthing. With respect to the claims of these two railways, it is my desire—though I am not going to propose any amendment—to set forth the claims of the Midland Great Western. I have spoken already of the security. Then, with respect to the advantages of such a railway, I may state that the Midland Great Western crosses the Shannon at Athlone, and forms the line of communication for the whole west of Ireland, and that the west of Ireland contains a population of 2,000,000. Now, I wish to ask whether the Great Southern and Western will afford communication for a larger population? The Midland Great Western will have its extensions from Athlone to Galway and Mullingar, with branches to Sligo and various other places. By the evidence taken before one of the Committees last year, it appears that in Galway Bay the number of fishing boats (hookers, as they are called in Ireland) is no less than 2,136, measuring from ten to fifteen tons each, and manned by about 9,000 men. The present charge for carrying fish from Galway to Dublin is 18*s.* per cwt. By railway it would be about 2*s.* The present average of time occupied by coaches and other conveyances in travelling from Galway to Dublin is 24 hours. The result is that the fish—herrings, for example—taken in Galway, and which sell in Galway for 7*s.* the thousand, or twelve a penny, sell in Dublin for from 3*l.* to 4*l.* the thousand, or from three farthings to one penny a piece. But if the railway from Galway to Dublin were open, the fish caught in Galway Bay could be brought to Manchester in six hours less time than it now takes to convey them to Dublin; and could be carried to London in the same time that is now occupied in carrying them to Dublin, and at one-third of the cost. There is another most important consideration. The Arigna iron mines in the county of Sligo, which many centuries was said to have supplied the only iron used in England, have fallen into decay, and there is no reason but the enormous cost of conveyance why these mines should not be worked up again. Captain Washington, one of the Commissioners, reports with regard to this very mine—

> "I measured several of the beds of iron. The beds, to more than two feet thick in some places, lie bare in the ravine, and in the bed of the Arigna River. We can get any quantity at the shortest notice. There is enough to last two furnaces for 250 years. In quantity there is no doubt but that the iron stone of this district is practically inexhaustible. The iron stone of Kilkenny is very little inferior to that of Arigna; but the ore of Lough Allen is nearly equal to the black iron stone of Glasgow."

Now, I do not know how we can encourage railroads or the prosperity of Ireland generally better than by opening a line of railroad up to these mines; and I beg leave to ask what single recommendation can the noble Lord show in favour of the Great Southern and Western Railway Company that does not apply equally to the Galway railway? A railway to Galway would shorten the distance to the United States and to our own colonies in North America by six or eight hours, as compared with a railway either to Cork or to Valentia Harbour; and in regard to shortening the journey to America, it is clear that the Midland Great Western has claims upon the Legislature at least equal to those of the Great Southern and Western. I will now turn to the claims of the Waterford and Limerick Railway. The Waterford and Limerick Railway Company had originally a capital of 750,000*l.*; but they have now a Bill pending, which has already passed this House, proposing amendments which would empower them to make deviations in the line that would enable them to reduce the amount of the undertaking by 70,000*l.* at the least, thus making a reduction in the entire capital from 750,000*l.* to 680,000*l.* Of this sum they have already expended 337,000*l.*, and they have six-and-twenty miles of railway that will be open by the 1st of August next, at the latest. But of these six-and-twenty miles of railway, twenty-one miles are to be run over by the Great Southern and Western Company; and before the latter can repay the Government the interest on the money to be advanced to them, they must meet the prior claim of the Limerick and Waterford Company for half the interest on all the monies expended by the Waterford and Kilkenny Railway Company on these twenty-one miles of their line. These twenty-one miles will cost at least 210,000*l.*, and therefore the Waterford and Limerick Company have a claim on the revenues of the Great Southern and Western Company, prior to any claim by the Government, to the amount of 5,000*l.* a year, which 5,000*l.* the Waterford and Limerick Company have a fair right to set down as security to the Government. But besides this, the Great Southern and Western Company have already borrowed 280,000*l.*, the interest on which will be also a prior claim to that of the Government. But assuming that the Waterford and Limerick get but 300*l.* a week on their six-and-twenty-miles, as soon as those six-and-twenty miles are accomplished, they will have a gross revenue of at least 13,000*l.* a year; and deducting from that the cost of working the line, which will be 40 per cent, there will be left a clear income of 8,000*l.* or 9,000*l.*, which has to be added to the 5,000*l.* for which they have a claim, prior to that of the Government; on the Great Southern and Western. [An Hon. MEMBER: No.] Yes, I repeat, a claim prior to that of the Government; and I apprehend that the claim of the Waterford and Limerick being a prior one, it will, consequently, have from 13,000*l.* to 14,000*l.* clear interest to offer you as security for the 175,000*l.* its proprietors ask for, and to which they are equally entitled with the Great Southern and Western to its half million sterling. It will have thus 13,000*l.* or 14,000*l.* a year to meet the interest of 175,000*l.*, which, at 5 per cent, would not quite amount to 9,000*l.*; so that I think I have a fair right to maintain that the Waterford and Limerick Railway Company in all things is equally entitled to the assistance of Government with the Great Southern and Western. If that be so, I do not know on what grounds they are to be refused. But the noble Lord said, when they were put in an equal position, he would be ready to consider their claims; and I trust after what he has heard to-day, he will do equal justice to these two lines, and come forward before the Session closes and fulfil this engagement, and take two more steps in the right direction for the advancement of Irish interests and Irish railways. I hope that the right hon. and learned Member for Galway, the Irish Solicitor General, will also put in his good word for the Midland and Western.

I have heard with regret the hon. Member for Bath state that there is the strongest reason to apprehend there will be another failure of the potato crop. I trust the hon. Member will be mistaken. I received a few days ago intelligence from Ireland, from the editor of the Irish *Farmer's Gazette*, and I am informed by him that the potato crop never showed a fairer prospect of a good yield. I am not one of those who apprehend a recurrence of the blight of last year. The potato is a crop of the most delicate and hazardous description, and always has been subject to many calamities. The hot blast which passed over Ireland and England in the month of August last, which in the course of forty-eight hours burnt up the crop of potatoes and deprived the root of its nourishment, bore no resemblance to the rot of the year before. The rot of 1845 did not come in with a hot blast; for it will be remembered that the year 1845 was of a remarkably sunless character, and remarkable for wet and cold. The potato rot of 1845 was accompanied, in all respects, by circumstances and characteristics the very opposite from the destruction of last season. The rot of that year came not early in August, but in October; it came upon a crop which preserved its greenness to the latest period; it came partially only upon a crop which was unprecedented not only in the numbers but the largeness of the bulbs, and bore no more resemblance to the blast of last year than the wireworm in wheat does to the blight —or the cause of the famine in 1800 to that of 1799, one crop being drowned, and the other burnt up with excessive drought. We hear these accounts to-night from Ireland of a renewal of the potato disease; but recollecting that it is written that "while the earth remaineth, seed-time and harvest shall not cease," I, for one, feel no apprehension of the habitual or frequent return of this extraordinary potato calamity. I cannot forget that in 1799 and 1800, at a time when there was a royal proclamation calling on the heads of families not to permit their households to consume more than four pounds of bread per head per week, a Committee of this House, after sitting for two consecutive years in consideration of the best means of averting the evils of a similar calamity to that under which the country had then been suffering, reported that the only plan they could suggest was that a sum of 30,000*l.* a year should be voted by Parliament to be annually given in rewards to those agriculturists who produced the greatest quantity of potatoes! But when it is alleged that the effect of this lending money to Irish railways is to destroy the finances of this country, and to convert floating capital into fixed capital, and by thus locking it up make it a permanent pressure upon England, I think, far from locking up capital, it can be easily shown that the result of these outlays on railways is to set capital at liberty. It is only necessary to calculate the value of the capital engaged in trade which was formerly held in suspense by the slowness of communication, and compare it with the economy effected in these days, through the instrumentality and speed of railways in the conveyance of goods. A greater fallacy never existed than the supposition that money laid out in railways is so much fixed capital locked up and lost to the trade of the country. We have 96,000,000*l.* already expended in railways. I believe the gross returns of profit amount to 8,000,000*l.* a year. Of this, 5,000,000*l.* is derived from passenger traffic, and 3,000,000*l.* from goods traffic. But we have only to look at the ancient charges to find that, over and above the time saved, the cost of passenger travelling has been reduced at least to one-third, while the carriage of goods, as compared with canal conveyance, has been reduced to one-half. Thus the goods and passengers' traffic to which I have referred as having been carried by railroad at the former rates of land and water carriage, would have come to 21,000,000*l.* instead of 8,000,000*l.* in the last year; and the public gains the difference between those two sums. That proposition no man, I think, can deny; and as regards the public and the money market, instead of floating capital to the amount of 96,000,000*l.* sterling converted into locked-up capital, no less than 13,000,000*l.* a year is economized, which, reckoning it at 5 per cent, represents 260,000,000*l.* sterling. So that, far from losing, the public are absolute gainers of 260,000,000*l.* in the economy of the inland traffic and carrying trade of the country.

In illustration of this argument I will take leave to bring before the House a curious return made by one of the assistant poor-law commissioners, which will display in a striking manner what a country gains by railways. Mr. Robert Weale, during the twelve years in which he was a poor-law commissioner, travelled 99,607 miles in the service of the country. Sixty-nine thousand miles were travelled by the old conveyance, and 30,000 miles by railway. By the old mode of travelling, the cost of travelling was 1*s.* 6¾*d.* per mile, and by rail it was only 3¼*d.*; so that virtually the country saved by rail five-sixths of the costs of travelling. But the saving of time is still more remarkable. If the whole distance had been performed by railway, it would have occupied one year thirty weeks and six days; if the whole had been performed at the same rate as the 69,000 miles by the old modes of conveyance, it would have occupied four years thirty-nine weeks and one day. The result is, that three years and nine weeks of Mr. Weale's life would have been saved; while the advantage to the public would be that the whole cost, supposing it to have been done by rail, would only have been 1,344*l.*, instead of 7,735*l.* So that this active poor-law commissioner, in the public service, would save three years and a half of his life, and the country would save 5,390*l.* in travelling expenses alone. I can also show, if the House will permit me—by the saving in the goods traffic and in time, the great advantage derived by the cotton trade of Manchester on one single line, that of Manchester and Hull. Up to the year 1839, the charge by canal for manufactured cottons was 45*s.* per ton; by rail it is only 24*s.*, and the time saved in the transit is a fortnight. In addition to the time saved to the trade of Manchester, and fourteen days extra open market to all the north of Europe—for it must be recollected that the seas and rivers of Northern Europe are closed to commerce by frost during the winter—the actual saving in cost of transit amounts to 250,000*l.* per annum, which at 5 per cent represents 5,000,000*l.* of capital.

I will show now how this great metropolis is a gainer by railways. It has been proved, by the returns of the Board of Trade, that 3,000,000 tons of coal are annually consumed in the metropolis; a saving consequently of 1*s.* per ton would amount to a saving of 150,000*l.* a year to this metropolis. Besides this, the competition of inland coal cannot fail to reduce the price of seaborne coal, and bring down that great monopoly. It also brings down the cost of transit by canal. On the Grand Junction Canal the price of goods was formerly 16*s.* per ton, and it is now only 2*s.*; and coals, once 9*s.* 1*d.* per ton, are now only 2*s.*: so that, in goods, the cost of carriage by canal is reduced seven-eighths, and coals more than three-fourths. The reduction of the charge for coal in Leicester by canal reduced the price to the consumer 7*s.* per ton. If the result of all the railways conveying to this vast city shall be to reduce the price only 3*s.* 6*d.* per ton, London, consuming 3,000,000 tons of coal annually, will effect a saving of more than half a million sterling every year in the article of coal alone. I therefore think, as regards the metropolis, I have satisfactorily proved that money said to be locked up in railways is not a loss such as some people suppose to the industry and general resources of the empire. In the town of Leicester alone the competition of the Swanwick collieries saves the inhabitants 60,000*l.* a year in the price of coal. Having thus shown how little truth there is in these general allegations, I should like the people of England—and here I take my stand—to compare the expenditure of this 620,000*l.* asked for railways, with that of the millions which have been expended in useless works, in the Soyer soup kitchens, and other similar projects in Ireland; and if the result be not on the one side—on that of the money lent to these railway companies that there is no loss, while a great loss is shown on the other side—I will forfeit my seat in Parliament as the consequence, so satisfied am I that such will be the result. And it has, in my opinion, this further great advantage, that the money so lent to railways, requires no staff of paid officers. Instead, as appeared by the returns laid on the Table of the amount of the staff employed six weeks ago, of having 15,978 persons employed, consisting of 10 inspecting officers, 74 engineers, 558 assistant engineers, 9,817 overseers, 4,085 check clerks, 429 office clerks, 174 head quarter clerks, one valuator, 181 assistant valuators, 50 inspectors of drainage, 131 sub-inspectors of drainage, 37 inspectors of account', and 521 pay clerks—instead of all these, costing the country at the rate of 410,000*l.* per annum, all of them too, by the way, of the class of electors, and constituting a most dangerous description of patronage, the proposition now made by the Government will give no patronage and no employment for any such overgrown staff of paid officers. In that respect, although I doubt very much if the plan on this account be not less agreeable to the Government, the effect of employing the people in the way I originally proposed by the advance of 16,000,000*l.* of the public money for the construction of Irish railways, would be that no staff of 16,000 paid officers would be needed, but the whole plan might be worked by 27 or 28 persons for about 10,000*l.* per annum, instead of 410,000*l.*, while the country will gain eventually nothing by the plan of employing the people on public works, having to mourn the waste of ten millions without any return, and without any good or practical result. We are told that railways are unproductive in the way of food; but if they carry manure cheap, and save money in the carrying of food, they surely conduce as much to the cheap produce of food as employment purely agricultural itself. In the report of Mr. Walker, there is a remarkable observation on the great good that the Great Southern and Western Railway will do in supplying the people of those districts of Ireland with cheap fuel and coal, where they now use no other fuel but dried cow dung. If that cow dung were laid on the land instead of being burnt, coal taking its place, surely that would add to the productiveness of the land, as well as to the comfort of the people of Ireland. It was said, in answer to the late Mr. O'Connell, by the right hon. Baronet the Member for Tamworth, when asked by Mr. O'Connell for Government advances for Irish railways, "Drive agitation from your shores, and capital will soon flow in!" We have tried waiting too long already, and without success. I say, "Pour capital into Ireland; give Irish labour a fair stage and no favour; give to the Irish peasantry the opportunity of employing themselves in honest, laborious, and profitable works, and then I tell you that capital, bringing industry, employment, wealth, and contentment in its train, will effectually drive agitation from the shores of Ireland.

MR. LABOUCHERE said, he should detain the House but a very short time. Much of what they had heard from the noble Lord and the hon. and learned Gentleman who preceded him, however interesting it might be at another time, was not immediately applicable to the question before the House. He had nothing to urge against the plans of the noble Lord, except that they were not now under consideration; and he had still less desire to say anything against his noble Friend's general eulogy on railways. If it were not that they had the hon. and gallant Member for Lincolnshire (Colonel Sibthorp) present, he would be inclined to apply the query of the ancient orator to this part of the noble Lord's speech, that is to say, *Quis vituperavit?* The proposition before the House was one which had been attempted to be swollen into undue magnitude. It involved no new principle. It was simply a question whether the Government should have increased means of encouraging useful works in Ireland which had been given them in former years. It was a question whether, under the present circumstances of Ireland, the Government was justified in asking, and that House in voting, the increased means for giving employment on railways in that country. That was the real question before the House; and he thought neither the noble Lord nor the hon. and learned Member for Bath had dealt with it as it ought to be treated—namely, as a part of a general scheme. [Lord G. BENTINCK: In that light I referred to it.] The noble Lord certainly did speak of it as part of a general railway scheme; but what he meant was, that neither the noble Lord nor the hon. and learned Gentleman treated it in the light in which it ought to be viewed, as part of a general scheme for the improvement of Ireland. The House should bear in mind what the state of things was with which the Government had to deal in Ireland. They should recollect how great was the distress and how vast the misery which they had to provide for; and he had no hesitation in saying that no one measure whatever would have been enough of itself to cope with the existing calamity. The most pressing and immediate duty of the Government was to provide against the destitution that pressed upon hundreds of thousands of their fellow-subjects, and to prevent them from perishing. He would say, as he said before, that any scheme for railways, however extensive, was not enough for coping with the difficulty which they had before them. However much railways might be encouraged—however much good might be done by them indirectly—in giving employment to certain classes of the people, yet the means of meeting the pressing difficulty which it was the duty of Government to encounter—namely, to save millions from starvation and famine, was the first and greatest question. This duty on the part of the Government was a fatal objection to the plan of the noble Lord the Member for Lynn; and it answered all his criticisms upon useless public works, and on the inutility of distributing rations upon a great scale in Ireland. He certainly could show no money return for that great and extensive distribution; the only return he could present was the fact of millions of our fellow-creatures having been saved from perishing by the most miserable and degrading of all deaths. This, too, was his answer to the accusations against the Government of having squandered the public money. The public money could not have been better spent than upon such an object. The abstract principles of political economy were totally out of place in connexion with this subject; and he held that it was to degrade that science to apply it to questions like this, which lay entirely beyond its province. He held in his hand at that moment a report which would be laid on the Table of the House to-morrow, the last report of the Relief Commissioners, from which he found that 2,600,000 human beings in Ireland were being supported by daily rations. He admitted this was an enormous distribution, not likely to be effected without great abuse; but it had staid the progress of famine, and that which was the certain and the frightful concomitant of famine—pestilence. And it was his firm belief that if these means had not been taken, and rendered co-extensive with the calamity, both England and Scotland would have been involved in similar distress to that of Ireland, and wide-spread pestilence would have followed quickly upon the heels of a dreadful and devastating famine. It was therefore an entire misstatement of the whole difficulty to tell the House that the works which the Government had undertaken were unproductive, and that they gave no return. The return, as he had just said, was in the number of human lives saved. For such a purpose as that, he could not believe the people of this country would grudge the money; at all events, whatever blame was thrown upon the Government, was as nothing to the censure with which they would have been visited by an indignant people if they had made no attempt to mitigate or alleviate the frightful misfortune that had happened to Ireland. The encouragement of public works of a reproductive nature was, in his opinion, a principle which the House ought to acknowledge as calculated to develop the resources of the country. But what the Government had to do in this case was, to make provision against immediate destitution and disease; to see by what means the resources of Ireland could be so assisted as to bear the pressure necessarily made upon them; and at the same time considering, for the sake of Ireland herself, the finances of this country. It was not enough to put forward a great and magnificent scheme without considering the pecuniary position of the country. No censure, therefore, could be passed upon the Government for what they had done. While on this subject, he must say the noble Lord had entirely misunderstood his noble Friend (Lord J. Russell), when he seemed to suppose that the Government had given a pledge to accede to advances of money being made to other railways without any consideration of similarity in circumstances. He did not understand his noble Friend to give any such pledge. True, his noble Friend had said, this was properly a part of the system of general measures for the permanent benefit of Ireland, which he hoped would receive the attention of the House in a subsequent Session; but any future advances to railways would only be made to railways in similar circumstances. The noble Lord intimated he had no sympathy for a Government which preferred useless and unproductive works to the encouragement of railways; because, he said, by the promotion of useless works they obtained large patronage, which was very useful in conciliating electors, whereas by encouraging railway undertakings they derived no such advantage. It was his fate to receive by every post very strong complaints from Ireland, that the patronage, so far from being directed to conciliate the support of the political party with which he was connected, was not in their hands. The fact was, the gentry of the country were very much consulted in the distribution of whatever patronage there might be; and he had heard it was very often used to the prejudice of the political party with which Her Majesty's present Ministers were connected. He knew not how that might be; but the patronage had been placed altogether in the hands of the officers of the Board of Works, the Commissioners of which were carefully selected, not from any party or political motives whatever. Everybody, indeed, who knew those distinguished individuals would at once perceive they had not been selected on account of political friendship, but because they were thought best fitted for the office, and the most likely to conciliate public confidence; and because, in the exercise of patronage, as well as in the discharge of every other function, they would look only to the public good. Never had a Government cleaner hands to meet any accusation of this nature than the present. Then the noble Lord asked why these particular railways had been selected? They were selected upon the recommendation of the Exchequer Loan Commissioners. The Exchequer Loan Commissioners were asked this question: "Suppose you had to apply a larger sum of money than is now at your disposal upon some railways in Ireland, are there any which have complied with the first condition of having paid up 50 per cent of their capital, to which you would be ready to make advances?" The three railways in question were returned by the Exchequer Loan Commissioners as having met the required conditions, and to which, if they had the money, they would make advances. This was the mode of selection; and there had been no desire to favour any particular railway on the part of his right hon. Friend the Chancellor of the Exchequer, who reminded him that these were the only lines that had made application for advances. He did not deny the importance of the lines to which the noble Lord had adverted. He admitted that a line across Ireland to Galway would be of great national advantage, and he should be glad to see one constructed; but, at the same time, it was also of great consequence to construct a line between Dublin and Cork. He hoped the House would not retrace the decision to which they had come on a former occasion. He did not pretend to say that this measure, by itself, would be adequate to relieve the destitution of Ireland; but it would be a useful auxiliary in that respect. He could not agree with the hon. and learned Member for Bath, that we owed nothing to Ireland except what he called good government. The hon. and learned Gentleman applied this observation to the argument of the noble Lord the Member for London, who said truly, that the evils of Ireland were attributable to long years of misgovernment. Mr. Burke said, in his time, it had been the settled policy of this country for ages to discourage the agriculture, manufactures, and trade of Ireland; and he feared there was too much foundation for the assertion. While, therefore, he agreed with the hon. and learned Gentleman the Member for Bath, that we owed good government to Ireland, he rejoiced at the steps taken towards a more equal and just system. He hoped those steps would be rigorously pursued in future Sessions of Parliament. But he could not admit, when he found Ireland impoverished, staggering under the load of an evil such as never fell upon any other country in the world, by the total failure of the potato crop last season, that rich and powerful England did not owe it to herself to go to the assistance of Ireland. She had done so liberally and wisely. She had expended the vast sum of eight millions this year to mitigate—for she was only able to mitigate—the pressure of the calamity. England had acted wisely, as well as generously and justly, in so doing; but he could not admit the justice of the hon. and learned Gentleman in pointing out, invidiously, to the taxpayers of England, that to mitigate the distress of Ireland was an unnecessary burden upon them. They had shown their desire to relieve Irish distress by their large, voluntary, and spontaneous contributions. The advance proposed by the Government to these railways, he believed, would be spent wisely and judiciously; and he hoped the House would confirm, by a large majority, the decision they had already come to upon this subject.

Mr. LEFROY regretted that Her Majesty's Government had not deemed it expedient to make a larger grant for railway undertakings in Ireland than that now proposed. He tendered to them, however, his thanks, as an Irish representative, for the proposition they had made, seeing that it was one which had a useful direction. The noble Lord (Lord John Russell), though he had by no means given the pledge referred to by the right hon. Gentleman (Mr. Labouchere), had certainly encouraged the expectation that if, in future Sessions, other loans to railways should appear useful or profitable to the country, they might look for the assistance of the Government. He could bear testimony to the importance of railways to Ireland; and there was not one which promised more advantages than that referred to by the noble Lord (Lord G. Bentinck). The speech of the hon. and learned Member for Bath was not a fair one, merely declaiming, as he did, upon the grievance of the people of England being called upon to pay taxes to lend to railway companies. The statement of the noble Lord that five per cent interest would be required showed that there was no cause for supposing the advances would not be faithfully and honourably repaid. Perfect security was given for the repayment of the loan; and he preferred capital being invested in these undertakings, rather than in the unprofitable works which hitherto had necessarily been carried on by the Government. The time, however, was now come for those useless and unprofitable works to be discontinued; if they were discontinued safely and wisely, he should not be sorry for it; but, being discontinued, means must be found for engaging the people in profitable and advantageous pursuits. Something had been said concerning the prospects of the potato crops. He believed it would be utterly impossible to form any correct opinion on the subject for at least one or two months. If they failed, it would be absolutely necessary for the Government to encourage other means of subsistence, by promoting employments of a useful and reproductive character; if, on the other hand, they succeeded, a useful lesson would have been taught to the gentry, the farmers, and the poor of Ireland, to adopt a better system of agriculture, and to cultivate a superior description of food. The people of Ireland must not in future be left dependent upon one sort of food, and that of a precarious character; they must be led to attend to the improvement of the soil, rather than to the agitation of what were called their civil rights. He trusted Her Majesty's Government, in making the proposed grant, small as it was, might be considered as disposed to apply their powers to the development of those resources which would produce a beneficial return to Ireland; that they would encourage the people to support the laws; and discountenance that turbulence to which the noble Lord had referred as one of the chief causes of the country's ruin. He gave his support to this Bill with great pleasure; and he hoped that the grant, small as it was, and the other measures to which it would necessarily lead, would be beneficial to Ireland, making her prosperous among the nations, and enabling her to profit from the vastness of her natural resources.

Mr. SHEIL: I am not, I am free to

acknowledge, wholly unconcerned in the completion of the Great Southern and Western Railway (one of the railways specified in this Bill), and which passes in immediate contiguity with property with which I am connected in the county of Tipperary; but I hope that I shall be believed when I say, that I am far less influenced by any personal consideration, than by my thorough conviction that great benefit will arise from the measure in which the Government have, in my opinion, wisely and rightfully persevered. It is scarcely necessary to insist upon the advantage which will arise from a measure by which Waterford and Kilkenny, and Cork, Dublin, and Drogheda, and thus Belfast, will be brought into contact. My hon. Friend the Member for Bath, indeed, admitted the utility of these roads, and said that to expatiate in their favour was to dilate on a mere truism—that a railway in New Zealand would be of service. But he observed, that you ought to be just to England before you were liberal to Ireland, and stated that this measure was calculated to gratify the rapacity of men in Ireland, by whom it was promoted. I admit that justice to England ought to be reconciled with liberality to Ireland, and that is the case in this instance. English money is to be lent, and not given. It will assuredly be repaid, for it is to be advanced upon the security of lines which are in process of construction, and which have some better existence than in the lucrative enthusiasm of an imaginative engineer. But, Sir, I think that these perpetual contrasts between the interests of England and of Ireland, as if they were conflicting, and made by Englishmen too, ought to be deprecated. The apologue of Menenius Agrippa ought to be carried out. Not only should not the members conspire against the belly, but they ought not to quarrel among themselves. The interests of the two countries in this question may be proved to be identical. Let the men who tell us that English commerce and English industry ought not to be sacrificed to the acquisition of a spurious Irish popularity, remember this—that to the products of English manufacture Ireland offers the best, because it is a vast, a near, and a safe market. Mr. Porter, in his valuable work, chapter 7, headed "Trade between Great Britain and Ireland," states that the value of exports from England to Ireland, in 1801, was 3,270,350*l.*; in 1821, it was, 5,338,898*l.*; and in 1825, it was 7,048,936*l.* He adds, that there is no return of exports to Ireland from England since 1825; but that there is a return of the number of ships which cleared outwards from England to Ireland; and that

> —"if we compare the amount of the tonnage employed in 1801 with that of 1844, we shall find that it bears the proportion of 100 to 305, showing an increase of 205 per cent."

It is, I think, no exaggeration to say, that England now annually exports to Ireland 10,000,000*l.* of her manufactures. Most assuredly, then, England is a great gainer in her transactions with Ireland; and it is manifest that every measure which contributes to the development of the resources of Ireland—to the fertilization of her soil—to the reclamation of the morass and of the mountain—to the social amelioration of the people—to the establishment of a higher standard of comfort—in one word, to the increased consumption of British produce—must be essentially ancillary to the prosperity of England. I know that we have received large donations from England. But the calamity of Ireland was not a provincial one; and, after all, you should recollect that a war for six months would be dearer than a famine for three years; yet to-morrow, if it were required for the honour of England, you would rush into encounter with your proudest and most chivalrous antagonist. But if you would be reconciled to the cost of war by a sense of English honour, in the cost of money, you should be taught by the noblest of all your national characteristics, your humanity, to acquiesce. But, although there are men in this House, whose national kindness has been overcome by their austere political economy, who speak of us as if we were to blame because the destroying angel has blighted an entire island in a night, yet we feel persuaded that the great mass of the population of this country feel a deep sympathy in the calamities which we have endured. The minds of men of all parties have met in regard to Ireland in a deep confluence, where the sentiment of England is faithfully represented. Although the people of Ireland have condemned many of the measures which have been adopted for their relief, they appreciate the munificent commiseration by which the great English community are actuated in their regard. I am convinced that Irish gratitude will be fully commensurate with English generosity; and if it shall be so—if without reference to any political question, there shall arise a sentiment of international kindness, then I, for one, shall think, that from calamity, great as it is, good, great and lasting, with the blessing of Providence, will be at last educed. But, Sir, the fiscal is not the only view in which this measure ought to be considered. I shall be glad if, when the Parliament is approaching to its close, it shall make a testamentary manifestation of good will to the people of Ireland, indicative of the policy by which the government of the noble individual should be sustained, who has had the courage to undertake the administration of Ireland. That able and sagacious statesman will have great difficulties to encounter—difficulties which have been enhanced by the death of the celebrated man to whom the noble Lord opposite alluded in the course of these discussions—the man to whom his country owes incalculable obligations, and to whom hereafter, when the prejudices and the passions, the antipathies and the predilections of the hour shall have passed away, in the impartial adjudication of those who shall come after us, the attributes of greatness, political and intellectual, will be beyond doubt assigned. I trust that the time will never arrive when English statesmen will have cause to lament that the voice by which millions of men were at once excited and controlled is heard no more, and that the accents on which a nation hung in rapture, and a senate in admiration, are hushed in the grave for ever. Would that he had been spared to his country—would that he had lived to reach the seat of that ancient and perpetual faith, of which he was a firm and honourable believer, and of which he was the proud and chivalrous champion; that he had knelt down at the altar of the greatest temple which was ever raised by the hands of man, worthy of the purposes, the high and holy ones, to which it was devoted; and that through the marble halls of the Vatican, the venerable man, although with feeble and tottering steps, had found his way through the array of sacerdotal pomp, to receive the sanctifying salutation of the great pontifical reformer who has ascended the chair of St. Peter, amidst the acclamations of the world!—and would that after the performance of his pilgrimage the illustrious Irishman could have returned to his country, in order that he might renew his aspirations here to imprize the principles on which he acted all his life, and of the violation of which he was never rightfully accused! You will, I am sure, forgive me, if I, who have so seldom any justification for taking any part in the discussions of this House, have departed from the question, in order that I might offer the tribute of my mournful but unavailing commemoration to the man whose departure from the scene in which he performed a part so conspicuous as to attract the attention of mankind, is a disaster which it will require wisdom and fortitude, and that conciliating policy upon which this measure is founded, to countervail.

Mr. W. R. COLLETT thanked the noble Lord at the head of the Government for having given an intimation—if not a distinct pledge—that other railways similarly circumstanced with those now about to obtain the assistance of the State, should hereafter enjoy the same advantage. He trusted that next Session the Midland and Great Western would obtain a grant of money. He would not now press the Government, the members of which had, in the course of a few months, completely changed their opinions on this subject. It was gratifying to him to find that the estimate he made upon a former occasion of the number of persons to whom the construction of railways in Ireland would give employment, was fully borne out by the statements on the part of the Government. It had been his misfortune to be the object of the hon. Member for Bath's attack that evening. Why the hon. and learned Member should have singled him out as an object of hostility he could not imagine, unless it was because the hon. and learned Member must talk of everybody and everything. He was not influenced by mercenary motives in endeavouring to promote Irish railroads; for, with the exception of his qualification as a director of the Great Southern and Western, he did not hold a share in any railway which was to benefit by the advance of public money. In the course which he was pursuing, he was actuated solely by charitable motives; and he wished the hon. and learned Member for Bath could say as much for himself. He was one of the first who came forward to encourage the formation of Irish railroads ten years ago, and he had never swerved from that object. Although persons connected with railways might be attacked by the hon. and learned Member for Bath, a high authority had recently done justice to their motives. The right hon. Baronet the Member for Tamworth had declared that railway directors were not swayed merely by personal motives, but were actuated by an honourable desire to promote the good of the country; and he expressed his disapprobation of Government interference with them. In conclusion, he congratulated the friends of Ireland upon having at last got some money from the Government which would carry them through the autumn, and furnish employment for workmen.

Mr. J. O'CONNELL called attention to the fact that by the 61st section of the Great Southern and Western Company Act it was provided that any security given to the Exchequer Loan Commissioners should have a priority above all others. He did not think it necessary to follow the hon. Gentleman the Member for Bath through the various arguments he had used in opposition to the measure, as he considered it absurd to argue on the ground of political economy when already the Government had made very large advances to Ireland. The speech of the hon. Member for Bath was a very curious one, though it lacked the personalities in which he usually indulged. But whatever the hon. Gentleman had avoided in the personal part, he had made up for in the political. The hon. Gentleman had, for example, alluded to the subject of the Irish Church; but he (Mr. O'Connell) protested against the system of dragging a question of such importance into the tail of a debate. The learned Member had also come out in the character of a prophet on the subject of agriculture, for he had doomed the potato crop of the present year to failure. As this was the first time that the hon. Gentleman had declared himself a farmer, he did not place much reliance on his prediction. But he went further, and extended his prediction to all crops. He (Mr. O'Connell) was surprised at the length to which predictions on this subject had gone; but, after all, the question was one which should not be brought into a discussion of this sort. The question for consideration was, whether the House would grant a loan of 620,000*l.*, upon good security. He was sure, after what had passed, the Legislature would cheerfully sanction the proposal, which should have his warmest support.

Mr. M. GORE expressed his great satisfaction at some of the statements made by the noble Lord at the head of the Government. He believed that the evils of Ireland were in a great degree to be traced to the political occurrences which took place there two or three centuries ago. They had in the present state of Ireland an illustration of the social and political evils to which a country might be subjected. It was said it was not the duty of Government to interfere with the social concerns of a people; but it was his opinion that the political and social concerns of a people could not be separated. When the noble Lord the Member for Lynn brought forward his proposition, he had given it his cordial support, because he believed it was the most comprehensive proposition that had ever been submitted to Parliament on such a subject. He had never given any vote with greater pleasure; but since that measure had been rejected, he felt that he could not consistently oppose that now under consideration, as the principle of both was similar. He regretted, however, that the loan was of so limited a character, as he knew there were many other Irish railways which required encouragement. He was happy to perceive in the measure now before the House the commencement of a more liberal policy towards Ireland; and he hailed with unalloyed satisfaction any proposition that held forth the promise of an auspicious dawn of prosperity. The hon. Gentleman read extracts from Sir Robert Kane's work upon the industrial resources of Ireland, with the view of showing that the promotion of railways in that country would tend more to develop her resources and increase her commerce than any other application of capital for such purpose; also extracts from the report of the engineers of the contemplated line from Dublin to Galway, which spoke in the highest terms of the national advantages to be derived from the formation of a railway intended to connect those important places. The hon. Gentleman, in conclusion, declared his intention to support the measure.

Mr. TRELAWNY opposed the Bill. He adhered to the principles of political economy, so far as he understood them, and upon those principles was adverse to the Government scheme. He was sorry to see the Secretary for Ireland repudiate them. He said they were quite out of place in a question of this sort; but he did not tell the House why. It was easy to decry that unfortunate science; but he thought those who decried it most, were those who least understood it. He thought the true remedy for Ireland was an income tax; and as Ireland was to be for the Irish, let them have a full measure of taxation.

It would make the landlords alive to the performance of their duties. A great deal had been said about the surplus population of Ireland; but for his part he did not think there was a sufficient population if the country was properly managed. It was said that capital was necessary for the advancement of Ireland; but there must be security for life and property there before capital would flow in; and to ensure that, he would, if it were necessary, place a sentry at the corner of every field.

Sir J. GRAHAM said: I have observed the disinclination of the House to protract this discussion; it is by no means an unnatural one, and so far from wondering at it, I sympathize with it. I think, therefore, I shall preserve its attention by promising not to read a single extract, and to occupy its attention but a very short time. And before I proceed to comment on the subject more immediately under consideration, I cannot help making one remark in passing on the speech of the right hon. Member for Dungarvon (Mr. Sheil); I had not the good fortune to hear the whole of that speech; and it is with great deference I criticise anything that falls from the right hon. Gentleman; but I heard two passages of it, one of which I consider most apposite, the other somewhat out of place. I will first refer to the one I think applicable. I must say it was my misfortune, frequently and generally, to differ in opinion from the late Mr. O'Connell; yet it would appear to me to have been altogether unjustifiable in a Roman Catholic Member of this House, who had for so many years taken an active part with Mr. O'Connell in the struggle for the liberty of his fellow-citizens of the same religion, if he had omitted a convenient opportunity of paying a just tribute of gratitude from the Irish Roman Catholics to that distinguished person, whose talents, however hon. Members may have differed from certain portions of his public conduct, no Member of this House who has had the advantage of sitting with him in this and former Parliaments, can have failed to admire. I think it is not unseemly in reference to this House itself, that a passing tribute to those distinguished talents should be paid by some one; and by no one could it be better or more appropriately paid than by the right hon. Gentleman. I will now pass on and venture to comment on the passage I think inapplicable and superfluous. I heard the right hon. Gentleman say, he hoped this Parliament would, before it expired, give some practical proof of its sympathy with the misfortunes and sorrows of Ireland. Sir, I cannot think that in this Session, at least, any such proof is necessary. With almost prodigal liberality we have, up to the present time, given our assent to every proposition made by Her Majesty's Government. We have borrowed—the ordinary means of this wealthy country not being sufficient—a sum of 8,000,000*l.*, the greater part of which has been applied to meet the misfortune and distress of that country; and I think I am right in saying that this is the first proposition intended to alleviate the wants of Ireland, to which any opposition has been offered from any quarter. This observation brings me to the subject-matter under debate; and I must say, that having listened attentively to the speech of the First Lord of the Treasury, I am somewhat at a loss to discover upon what precise principles this proposition is made to the House at this moment. I can well understand the view taken by the noble Lord the Member for Lynn (Lord G. Bentinck), and those who act with him, that this proposition of an advance of money in aid of Irish railroads is justifiable on account of the special circumstances of Ireland, as a measure calculated to relieve that distress. But, if I mistake not, the noble Lord (Lord J. Russell) disclaims that ground: the proposition is then to be treated on the abstract question of its general policy, without reference to the particular circumstances of Ireland. I am not surprised it should be so treated by Her Majesty's Government, when I remember—and I see the right hon. Chancellor of the Exchequer is taking a note of what I say—that on the former occasion, when the Government resisted the proposition of the noble Lord the Member for Lynn, I was led to coincide in that opposition by the triumphant arguments of the right hon. Gentleman himself, who pointed out how inapposite and inapplicable the proposal would be as a measure of relief to Irish distress. We are, then, driven to consider it on the ground on which it is now placed by the noble Lord, as a measure of general policy with reference to the general condition of Ireland, not as a measure of relief with regard to the peculiar circumstances of that country. I am not one of those who are disposed to deny, under all circumstances and at all times, assistance from the public purse, under proper limitations and proper safeguards, to railroad companies, as a practical measure of sound Irish policy. The right hon. Gentleman who was at the head of the Government under which I lately served, and the right hon. Member for the University of Cambridge (Mr. Goulburn), did, in 1846, favourably entertain a proposition, if I mistake not, from one of those companies for an advance of public money. But what were the circumstances—what were the limitations under which it was considered? The House is aware that for public works in different parts of the United Kingdom, without distinction between England, Scotland, or Ireland, an annual sum of 360,000*l.* is available; it is the interest of a large sum in Exchequer bills, placed in the hands of the Exchequer Loan Commissioners; that sum, without any strain on the ordinary resources of the country, is available at the discretion of the Government, and with the concurrence of the Exchequer Loan Commissioners, for forwarding public works throughout the United Kingdom. In 1846, one of these railway companies applied to Her Majesty's Government for assistance out of the funds available in the ordinary routine of such advances. The right hon. Gentleman below me can correct me if I am wrong; but I believe the answer of the Government, even then, in the flourishing state of the finances, was, that it could not recommend a loan unless in conformity with the fixed rules that regulated such advances—that it could not exceed the sum of 360,000*l.*—but that if the railroad company could bring itself within the prescribed regulations, and its demand within the limit of 360,000*l.*, there was no unwillingness on the part of the Government to consider the application with favour. Now, having said I am not on principle opposed to such limited advances, I am naturally brought to consider the peculiar circumstances under which a loan is asked at the present moment. We are now in very different circumstances from those of 1846; I am ready to admit that on the whole the financial prospects of the country are somewhat better than they were when this subject was last under discussion; still, I think our circumstances at the present moment require peculiar caution in the management of the finances. It is true, the exchanges are not so unfavourable as they were two or three months ago; on the contrary, the turn is somewhat in our favour; at the former period, bullion was flowing out of the country to a very large amount by every packet that sailed for America; now, the quantity of bullion in the Bank is in a slight degree increasing. But, on the other hand, I believe the importation of corn within the last month has been greater than at any former period of the commercial history of this country. That large importation must be met by payment either in specie or by export of our manufactures. Now, observe, the great staple of our export trade is cotton goods; and, coincident with the extraordinary difficulty of the present moment, from the high price of provisions, there is the most unfortunate circumstance of an extraordinary high price of the raw material of the staple article of our manufacture—namely, cotton. Therefore, it is to be anticipated we shall have great difficulty in paying for our food by extending the export of our manufactures; and it is I think, to be apprehended, that an export of specie to a considerable extent must even yet take place. Then it is true the rate of discount has somewhat fallen; but still it is unusally high—considerably higher than the rate of interest which Her Majesty's Government propose to take for this advance to Irish railways. The hon. Member for Coventry (Mr. Williams) has been charged by the noble Lord (Lord J. Russell) with some inaccuracy as to the amount of the balances in the Exchequer; the hon. Gentleman stated that the difference between the balances in the Exchequer in 1846 and 1847 was 3,000,000*l.* or 4,000,000*l.* less in the latter year than in the former; the noble Lord says the difference is 1,048,000*l.* But let me call to the noble Lord's recollection two facts: one of the principal arguments urged by my right hon. Friend (Sir R. Peel) when he brought forward the property tax—an unusual burden to be borne by the people in time of peace—was this, that for the independence of the Government, and the safety and security of the finances, it was indispensably necessary that the public balances in the Exchequer should be maintained, and kept high and favourable; and that the necessity of drawing on the Bank of England, to meet the payment of the dividends by deficiency bills, should be of as rare occurrence as possible. That was one of the arguments used for the property tax in time of peace. And what was the argument of the right hon. Gentleman the Chancellor of the Exchequer when he came forward to ask for a large loan a few weeks ago, also in time of peace? It was not only the extraordinary circumstances arising from the failure of the crops and the destitution in Ireland; but, again, adhering to the policy of my right hon. Friend, he said, experience had demonstrated it to be sound, wise, and necessary to maintain a balance in the Exchequer, and to avoid the necessity of a recurrence to the Bank of England for a large amount of deficiency bills. That is an argument I distinctly remember the right hon. the Chancellor of the Exchequer used when he asked us to give our assent to a large loan. I will not now advert to the unhappy circumstances that made an application to the Bank of England necessary in April last for a large advance on deficiency bills—a course which, in the opinion of the hon. Member for Huntingdon (Mr. T. Baring) — than whom no one is better qualified to speak on this subject — led to the financial crisis which took place at that period. I am willing to believe that no such expedient will be necessary to enable the Government to meet the dividend due on the approaching 5th of July; but still it is my duty to remind the House, if this necessity does not occur, of the means by which it will have been averted. It will have been averted in a time of peace by a measure justifiable only under great pressure, and in a difficulty almost overwhelming by a premium offered for the prompt payment of the loan: it is by forestalling the advance by a sacrifice of interest that the Chancellor of the Exchequer will be enabled to meet the dividend of the 5th of July. These are the peculiar circumstances of the present moment which the House is called on to bear in mind before it gives its consent to the proposition. I do not overlook the peculiar circumstances of Ireland itself at this crisis; I have cheerfully given my assent to all the measures of relief proposed for that country; but I have a strong impression, looking at its present state, that every shilling of the public money advanced to Ireland should be devoted, not to the indirect employment of labour, but to the direct and effective increase in the productive powers of the soil with a view of producing a larger quantity of food. I will not speculate—perhaps the hon. and learned Member for Bath will excuse me for saying that such speculation is apt to be rash and even mistaken at this period of the year—on the probable prospects of the coming harvest. I must say, however, so far as regards the potato crop, that the recurrence of failure is not so much a matter of speculation as already a matter of fact. I fear that it does not now rest upon assumption, but upon the test of actual experience, that the growing crop of potatoes in the present year has shown symptoms of that early taint which was the precursor of great calamities in two former years. And if, unfortunately, the potato crop in this country should again fail, it would not be 650,000*l.*, but a much larger sum which it will be desirable the Chancellor of the Exchequer should have in reserve to meet the coming necessities and wants not only of Ireland, but of this country, amidst the difficulties which will attend the third year of that failure with which a large portion of the United Kingdom has been afflicted in that article of food which is to millions the staff of life. But if I am right in saying, that in the expenditure of every shilling which, under present circumstances, may be advanced to Ireland, we should have directly in view the object of increasing to the utmost extent the amount of food to be raised from the soil, I would, in passing, observe, that Her Majesty's Government have withdrawn the measure for extending the cultivation of waste lands in Ireland without even discussing, the question of the propriety of applying some stimulus to that object. If you cannot succeed in increasing the quantity of food, the inquiry very naturally arises if it be not possible by aid from the public purse to diminish the number of those who press upon the subsistence of the country —I mean by colonisation. My noble Friend (the Earl of Lincoln) brought that question before the House, and it was not received with much favour by the Government; but, if I mistake not, by the other House of Parliament, a Committee has been granted to inquire if some enlarged scheme of colonisation may not be desirable. If money is to be expended on the public account beyond that already advanced, I am disposed to think that some grant might beneficially be made, tentatively, either to a limited extent, in an attempt to improve the waste lands of Ireland, or in testing the advantage to be derived from a measure of colonisation, not extensively, but by way of experiment. Now I would venture to offer one more observation to the House. I agree with the hon. and learned Member for Bath, that all the arguments which were so ably urged against the proposition of the noble Lord, the Member for Lynn, in principle, are applicable to the Bill we are now discussing. I know no one argument urged on that occasion which is not applicable to the Motion at present under consideration. First of all, it was then contended, and I now contend, that such a measure is calculated not to relieve the suffering poor of Ireland, but to favour the speculators in Irish railway shares. Then, if it be a measure in favour of the speculators in railways, the question occurs—why are the speculators in these three particular railways to be especially favoured? The noble Lord the Member for Lynn urged that argument with irresistible force; he showed that the circumstances of these three railways are by no means peculiar, that there are other railways in exactly the same position; and that if any principle is to prevail, they, as well as these particular railways, are entitled to relief. And if I am not mistaken, the pressure on the Government will be so strong, if not so overpowering, that it will be compelled to extend the same aid to other quarters, when it can be shown that railway communication between termini of importance would confer immense benefits upon the intermediate districts. When you make a selection, the Government, in consequence of the apparent favouritism, is always exposed to the suspicion of motives, of which I entirely acquit them, but which in the eye of the public are not such as the Government can acknowledge. One of the railways to which this advance is to be made, passes through the richest districts in Ireland; and they are not the districts where aid from the public purse is most required. Then, again, it was stated, and I now state, that not more than one-third of the money advanced will be applied to the aid or to the employment of labour. The earthworks are estimated at one-third; and it is only the earthworks which call into employment unskilled labour. It was then stated on most positive authority, and I repeat it, that the employment afforded in the construction of a railway operates not much more than five or ten miles on either side of the line. You attract only the ablebodied; you congregate at that distance from their homes large masses of ablebodied men; and you leave their families comparatively destitute, inasmuch as you deprive them of the immediate aid of their natural protectors. It would, however, be vain to go over all those arguments which have already been urged—urged too by the Government in opposition to the principle of this grant, which they themselves now propose. I shall merely notice one or two other points to which I would wish to direct the attention of the House. There is some inconsistency in this matter. The right hon. Gentleman the Chancellor of the Exchequer, since the subject was last discussed with respect to railways, has given us a description of Ireland more florid and favourable than anything I have ventured to hope or anticipate. I think he told us that the qauntity of green crops sown in Ireland, in substitution of the potato crop, was much greater and apparently more promising than the most sanguine persons conversant with the condition of that country had any reason to expect. He told us, also, that the quantity of corn sown exceeded that sown in any former years; that throughout the east of Ireland the potatoes were planted extensively, and were most promising; that the potato in many directions had reappeared as an article of food. Then he went on to say that the deep-sea fishing had been most successfully introduced; and he informed us that, on the whole, the prospects of the country were more cheering than he, or the Government, at a somewhat earlier period, could possibly have anticipated. Then, again, it may be asked, if this be so, why amidst all the difficulties of the present moment—in that extreme financial embarrassment from which we have hardly yet escaped—with further financial difficulties which every prudent man must foresee impending—why expend 650,000*l.* in this manner, at this time, on these particular railways? Then, again, when all are contending with difficulties, why are other railways in England, Scotland, or Ireland, to which advances from the public purse are not to be made, to be unfairly exposed to the disadvantage of having to seek loans in the money market on unequal terms? It appears to me that this partial favour, confined to these railways, will be an act of great injustice to rival companies, equally entitled to support and assistance from the State. Before I sit down, I cannot fail to observe on what was stated by the noble Lord the Member for Lynn, who, I admit, has been most consistent throughout in urging on the Government the superiority, as he considered it, of this mode of meeting the difficulties of Ireland. With respect to the question we are now debating, he used a harsh term—a strong term—but one which conveyed a very distinct meaning. He said that by supporting this measure he would "wedge" the Government into the necessity of adopting the principle involved in advancing loans to Irish railways. I object extremely to this mode of "wedging" the Government against their conviction and their wishes, into measures they deem to be dangerous. Reference has been made to the Ten Hours Bill by the hon. Gentleman who has just sat down. I cannot forget that that Bill in the present Session of Parliament has been pressed on the Legislature against the strong protest of the right hon. Gentleman the Chancellor of the Exchequer; against the recorded opinions of one Member of the Government formerly connected with the Board of Trade, the right hon. Gentleman the Member for Taunton (Mr. Labouchere); and in opposition even to the fears of the noble Lord, the First Lord of the Treasury, himself, who was ready to consent to an eleven hours Bill, but who said of the Ten Hours Bill that it was fraught with uncertainty, and that he looked upon it as an experiment hazardous and dangerous. And now, when we have had the advantage of all the arguments urged by the Government against the principle of making advances from the State to Irish railway companies—after that resistance in which a large majority of this House joined at the instance of the Government—we see Ministers yielding to that pressure, the nature of which I do not understand, and bringing forward a measure of this description, completely at variance with all the powerful arguments which they urged on the former occasion; and, as it appears to me, fraught with all the dangers which they denounced as necessarily attendant on the proposition of the noble Lord the Member for Lynn. I promised the House not to detain them long; and though I might go at greater length into the subject, I pass over many other arguments I would wish to have pressed upon their attention. I have, however, I think, stated enough to justify the vote it will be my duty to give—reluctantly, because the Government has brought forward the proposition, and because their motive is in conformity with my earnest wish, to relieve the distress of the people of Ireland; but, believing the measure wrong in principle, impolitic, and unnecessary, I cannot resist my sense of public duty, which compels me to record my vote against it.

The CHANCELLOR OF THE EXCHEQUER said: I should have been very unwilling again to occupy the attention of the House, having spoken so fully on this subject on a former occasion, had not the right hon. Gentleman who has just sat down rather pointedly alluded to me and to the opinions which I had formerly expressed. I will not now refer to all the points to which the right hon. Gentleman has adverted; and I certainly will not say anything of the course which has been pursued with regard to the Ten Hours Bill. The right hon. Gentleman says that my noble Friend who spoke early in this debate founded the defence of this measure, not upon the particular circumstances of Ireland, at this juncture, but upon its being part of a permanent policy towards that country. Now, having listened with the closest attention to what fell to-night from my noble Friend, I must confess that I cannot recollect anything he has said which could justify that observation. I conceive that all our measures, whenever brought forward, have been justified by the special circumstances in which Ireland has been placed, in consequence of the failure of the potato crop, and by the great change through which it is inevitable she must pass in recovering from the effects of that calamity. I, therefore, was never more surprised in my life than when the right hon. Gentleman stated that the noble Lord had left out of consideration all these special considerations, and had brought forward this measure, and without any reference to remedial aid which it is our duty to grant to grant to Ireland. [Sir JAMES GRAHAM: To compensate for centuries of misrule.] What my noble Friend said was, that this country owed great reparation to Ireland for the misgovernment of former times; that that consideration should be a strong inducement with us to look favourably at any proposition that might be submitted, the direct object of which was to assist Ireland; and that it was impossible for the House to trace the course pursued in former years without the deepest regret. I do not think the House was indisposed to that view; and this consideration was a general inducement to look favourably on any proposition submitted for the amelioration of the circumstances of Ireland. I do not particularly refer to the measure, or to any other measure that has been proposed; but that this particular mode of relief, by means of advances to railways, is connected with and must be dependent on special circumstances, no one, I think, can pretend to deny. The right hon. Gentleman says that he cannot perceive the slightest difference in the principle applicable to the measure brought forward by the noble Lord the Member for Lynn, and the principle involved in the more limited measure of the Government. I have no wish to enter into any very long argument to prove the consistency of the Government on that point. It seems to me, however, that in pointing out the different mode in which this relief would act from that in which it would have acted at an earlier period, I may also point out why such a measure to this extent is desirable now, and why it would not before have been sufficient to meet that demand for assistance and succour which then existed. And I hold that the time of adminstering the relief is a chief element in considering the advisability of the mode of relief. In 1846, when relief was administered by public works, it was the best mode that could then have been resorted to. It was founded upon the presentments of grand juries, and, with the experience we then possessed, no better mode of relief could have been employed. The experience of the last winter, however, changed our views: that system failed, overburdened and broken down from excessive pressure; and, as soon as we had the opportunity of submitting a different measure of relief to Parliament, Her Majesty's Government, early in the Session, came down to the House, proposed to put an end to that system, and to substitute the relief which was still required in a different manner. I believe that the measures which we substituted have in a great degree answered the purpose for which they were introduced; a large body of the people have been preserved from famine and starvation, and at a considerably reduced expense. When my noble Friend (Lord G. Bentinck) proposed his scheme, by which assistance would be furnished to railways, we did not say no assistance at any time ought to be given to railways; but we said that we considered such a system, at that time, would not, to the extent necessary, put a stop to the ravages of famine and pestilence in Ireland. We said that a measure was necessary which would put food into the mouths of the people and would stay the famine, especially on the western coast of Ireland, and that we did not think my noble Friend's measure would be effectual for this end. That was our main ground of objection to the system proposed by the noble Lord as the means of regenerating Ireland. We said that more was wanted, that relief must go much more directly to the people, and the mode in which we proproposed to apply that relief was by rations of food; but neither did my noble Friend (Lord J. Russell) nor myself, either then or at any other time, state that under no circumstances should relief be afforded by means of employment, or that a loan should, under all circumstances, be withheld from a railroad in Ireland. If hon. Gentlemen will consider what was the state of Ireland at that time, they will see that it was necessary that relief in the shape of food should be extended to the people, and largely too; how else could the ravages of famine be arrested? Nobody can read the accounts in the papers which have been laid on the Table of the House, or the statements which have appeared in the newspapers respecting the distress in Ireland, and not perceive that without immediate, ready, prompt, and extensive assistance, the population could not have been saved from a most fearful mortality. My right hon. Friend has spoken of the return we have had for our expenditure, not in the shape of interest for money, but in the shape of the salvation of the lives of our fellow-subjects; and I, for one, am satisfied with that return. I believe it was quite out of the power of the Irish proprietors to afford relief to the tenth part of the extent of the necessity. Many attacks have been made upon Irish proprietors in this House, and I am not here to defend their conduct in every respect; but I must say that they were placed in most difficult circumstances, and utterly unable to afford relief to any adequate extent. Even the poor law itself was new in Ireland; and, oppressed as they were by the unforeseen calamity which had fallen upon them, to expect them to afford adequate assistance would have been preposterous. It was absolutely necessary for us, therefore, to meet the necessity by furnishing food in the best way we could. But since that time they have had considerable experience of methods of relief: they have had the benefit of the system of relief carried on through the winter; they have a law enabling them to afford out-door relief; and I must say, that I think the time is coming when assistance from this country in that shape of relief must cease, and when the preservation of the people from famine, and the affording to them relief, must be thrown upon the Irish gentry and the Irish proprietors. But that is not all that is to be done for Ireland. It has been stated already—and no one can deny—that beyond the merely putting food into the mouths of the people, it is most essential to aid Ireland in the period of transition, by affording extensive employment to the people. There are various modes in which that may be done; and this is one of them. Have there been no Bills for the construction of fishery piers; no Bills for lending money to landed proprietors to enable them to give employment to the people; no advances for other means of affording employment, and at the same time doing that which the right hon. Gentleman truly says ought to be the first object of all expenditure of money in Ireland, namely, increasing the productive powers of the country? Now, railways are to a certain extent auxiliary to increasing the productive powers of a country. The right hon. Baronet talked of other modes in which he would have spent this money; he would have done something experimentally in the way of reclamation of waste lands; something tentatively in the way of colonisation. Why, he knows that such a sum would have done very little good in either way, and that we should have been probably throwing away our money with much less chance of return than we shall now have. But this is not, in point of fact, an advance of money to railroads without any precedent, and in a manner utterly unknown before. What have we done? All that we have done is to place at the disposal of the Commissioners of Public Works a larger sum of money than heretofore, thereby enabling them to make loans which, if they had had the money for them, they would have made without coming to Parliament for assistance. In two cases they had actually agreed to make the loan; in the instance of the Waterford and Kilkenny, and the Dublin and Drogheda lines, they had agreed to advance 120,000*l.* out of the sum annually placed at their disposal, because they thought the security good and the undertakings such as it was desirable to forward; and I must say, that in every communication I have had with the Commissioners in the course of the year, I have encouraged them to give all the assistance in their power to Irish enterprise; because, under present circumstances, I do think that every sum which can be reasonably devoted to that object, without a sacrifice, ought to be so expended, having regard to political considerations, ay, and financia too. Then comes the question of the Great Southern and Western. The right hon. Gentleman talks as if we had exercised some favouritism in selecting a particular line from a number of others in precisely similar circumstances; but the fact is not so. The lines to which the noble Lord has alluded, whatever they may be now, certainly were not, when this advance was agreed upon, in the circumstances of the Great Southern and Western. We thought then, and we think now, that we exercised a sound discretion in refusing to make advances to railroads in Ireland; the right hon. Baronet the Member for Tamworth also did so; he refused to make advances from the Treasury; he referred them to the Commissioners, and the Commissioners happened to have a sum of money to spare from their usual funds, which they offered, but which, in the then state of the money market, the company declined. Well, the state of the money market is not so easy now; but are not the circumstances of Ireland somewhat changed? Is it not desirable now, and more desirable than it was then, to find employment for the people of Ireland in a way which they have not had it? If it be true that the circumstances in one respect are changed, so are they in the other; and we place a sum of money in the commissioners' hands, to enable them to make this advance, believing not only that the security is good; but that there are circumstances connected with this railroad which distinguish it from those of which we have heard so much. A railroad connecting Cork and Limerick, and Dublin, stands in somewhat peculiar circumstances; there is the communication with America to be recollected; and, upon the whole, probably no one line in Ireland is so important. I believe, however, that it was the only one which could apply, because it was the only one that was in a condition to borrow by having half its capital paid up; and therefore it was the only one to which an advance from the loan fund could possibly be made. I hardly know whether it is worth while to go into the subject of earthworks. I stated before, that in this particular case the whole of the rails are bought, and the whole of the locomotive power provided; and there again, the circumstances are peculiar. The sum remaining to be applied will be for earthworks and the construction of the way. I believe, therefore, that the principle we laid down *ab initio*, is the true one, but is not applicable to this particular case. Under these circumstances, the Government do think the course they have proposed to be perfectly consistent with the policy they have felt it their duty to pursue towards Ireland—namely, that of diminishing and withdrawing relief with the utmost expedition, with a few exceptions rendered necessary by the state of parts of the country, leaving it to be provided from the poor-rates and from charity, and turning their attention to rendering such assistance in the finding employment for labourers as they may have it in their power to afford.

MR. DISRAELI: The Chancellor of the Exchequer and the right hon. Baronet the Member for Dorchester have assured the House, that in speaking upon this question to-night they should trespass very shortly upon their attention; and I shall follow, in the most imitative manner, their example. Indeed, I rise only to recall the attention of the House and of the country to one circumstance; but one which I believe is well worthy of their attention—namely, that this Session of Parliament—no immemorable one in the history of this country—commenced with the discussion of the question which now, near its termination, or its catastrophe, occupies their attention. And I cannot but believe that the House and the country, when they remember all the circumstances which attended the introduction, in the month of February, of a measure similar to, though greater than that which Her Majesty's Ministers have brought forward to-night; and when they moralise upon the debate, which to-morrow may perhaps afford some fruits for their pensive consideration, will arrive at this result—that the overwhelming majority which determined to stop the progress of the proposition of my noble Friend (Lord G. Bentinck) was, at least, one animated by a too precipitate spirit. I cannot understand how hon. Gentlemen who on that occasion, by their determined speeches, or their more vehement cheers, desired to terminate by such a flow of eloquence and contempt the proposition then presented, can now advance and support the proposal which Her Majesty's Ministers have indeed brought forward, in my opinion, with arguments irresistible, and founded upon data which no one can controvert. The right hon. Gentleman the Member for Dorchester has placed the question fairly before the House; he has evaded a mere guerilla debate upon a very diminished proposition, compared with that of my noble Friend. He has widened the breach; he has extended the basis of the debate. He said, "You have not merely to discuss the question whether you are to vote for the proposition of the Minister, or whether you are to negative it; but you are to remember all that has occurred during the six months that have elapsed; you are to remember the vote that you gave upon the Ten Hours Bill; you are to remember that distinguished individuals, members of Her Majesty's Government, were in collision, differing in sentiment upon that important occasion; and to-night you are to decide, not merely whether you will support the measure of the Government, but whether you will support certain principles of political economy, certain axioms of what is called by some persons in the House political philosophy, and that in fact form the main question at issue, and on that we go by our vote to-night to the country." I accept that broad basis of argument which the right hon. Gentleman has chalked out; I say that is the real question at issue. It is not a question between 4,000,000*l.* a year expended by the realm for the sake of a section of the kingdom, and the 500,000*l.* or 600,000*l.* which are the subject of our discussion this evening. The question is, whether you will adopt or abjure certain principles as standard principles guiding the imperial policy of this country; or whether you will openly brand them as most impolitic characteristics of the course of any Government? That is the real question at issue; and if the question on which we are to go to the country be this, whether it be the policy of this country to adhere to any pedantic application of the principles of political economy, I will meet any Gentlemen on that issue, and I, for one, will give my vote against that pedantic application of the principles of political economy. The hon. Baronet the Member for Southwark, who addressed the House with great ability, has placed the question very fairly upon that issue; and upon that I wish the vote to be taken. It is all very well for the Gentlemen opposite to say, "If the railroads of Ireland be a good security for the investment of money, why do not the capitalists of Ireland and of England invest their treasures in the formation of those public works?" But the question for a Minister of this country to put is—"Is it, or is it not, whatever may be the cause, the fact, that capital is not invested in Ireland, and that the people of Ireland are not employed?" This is the fact, and it is not the consequence of any transitory circumstance, like the potato famine, for example; but it is now an inveterate circumstance in the economical history of Ireland. Is it not the fact that, in 1823—and I take that year because it is the one preceding the great burst of political agitation in Ireland, and before certain circumstances had occurred which have always been since referred to as raising a barrier to the investment of capital in Ireland—is it not the fact that it was the rule in that country that money was lent there at a rate of interest at least one and a half per cent higher than in England? Is it or is it not a fact, that, in times of peace, concord, and tranquillity, and, if you like, of Protestant supremacy, that was a characteristic of Ireland?—that it was then difficult to obtain the investment of capital in Ireland on terms equal to those on which it was invested in this country? Well, Minister after Minister has had to struggle with this circumstance. He has found the country with a rich soil, with immense resources, and with a population which I believe—and heartily believe—is an industrious population; but still he finds that the capital of the kingdom does not flow into Ireland. It is all very well to rise—nothing is easier than for a Member for a metropolitan district to rise and say, "Why should you not do to my constituents as you do to the people of Ireland? Why should you do for the people of Ireland what they will not do for themselves?" Our answer is, that your constituents have done for themselves what the people of Ireland do not do for themselves. Well, I want to put the question fairly; but the retort, free from all affectation of pride, is—is our empire to perish?—is Ireland to be lost?—are there no extraordinary means to be taken?—because you choose to legislate for Ireland with all the comfortable experience of the borough of Southwark? Now that is the question. This is not the accident of an hour. The noble Lord himself has talked of "the misgovernment of centuries;" but the right hon. Gentleman (Sir J. Graham) sneered at that expression. Why, the right hon. Gentleman has availed himself of that expression as often as any person who has spoken in this House. The right hon. Gentleman, when the Government proposed the grant for an increased endowment for Maynooth, talked of the "misgovernment of centuries." That is one of the common stereotyped phrases which every Minister or ex-Minister has used when speaking of Ireland; but, like all common phrases, it is, in fact, true. You admit—any person speaking upon Ireland—all must admit, I care not what are his general opinions or his political creeds, that there is a difference in the state of the two countries—that there is a difference which, whatever may be the cause, must be recognised in legislation by any Minister who means to bring forward measures that will to some degree tend to reduce that difference between the state of the two countries. Well, Sir, that I believe to be a sound and just view of the case. My noble Friend the Member for King's Lynn brought forward his Motion at the commencement of this Session; and the object of that Motion was that England for four years should expend, upon undeniable security, 4,000,000*l.* per annum in the employment of the labour of Ireland. It has been said that my noble Friend brought forward that Motion merely in consequence of the potato famine. I have no hesitation in saying that the potato famine accelerated that Motion, and that it justified us in introducing it to Parliament. The Motion, however, was founded on certain principles of policy entertained by the noble Lord and other Gentlemen totally independent of the potato famine. It arose from the conviction, the political conviction, that it was absolutely necessary the people of Ireland should be employed—that general employment could not be occasioned except by the creating of public works—and that the scheme which he introduced not only insured that employment, but insured it on terms which secured England from any loss. That was the broad ground on which that proposition was brought forward. I need not remind the House of the arguments with which the measure of my noble Friend was opposed. I may say this, however, that every argument which he brought forward in support of his Motion has been brought forward in support of the measure of Her Majesty's Government. There is just this difference — the Government is like a man with a telescope, who by a flourish of his hand turns it round, so that the glass, when he looks into, instead of showing him objects greatly magnified, as in the proposition of my noble Friend, represents everything under a diminished aspect, according to the view taken by Her Majesty's Government. If the principles of political economy were violated by the noble Lord, they are violated by Her Majesty's Government. But the question is this—and we put it to the people of England, before whom we must soon all appear —Do the people of England care more for the good government of Ireland than for the principles of political economy? That is the real question. You may repeat to them your reasoning for ever; but the answer of the people of England will be this —"Ireland is the disgrace of England; her people are suffering, miserable, and unemployed; and here is a scheme—a statesmanlike scheme—which, when proposed for the employment of the people, you, the Parliament of England, ousted in the month of February; and when you are about to be dissolved and appear before your constituents, you cling to the fag-end of that scheme, and hold it out as the only panacea for the cure and regeneration of Ireland." We are willing that the question should be placed in that light. We come to support Her Majesty's Ministers —we come to support the measure of the Government; and I do not suppose any one can doubt that we give it a most sincere support. But while we support the measure of the Government, we do not shrink from admitting the expressly political principle on which we do support it. We say, at once, without reserve or equivocation, that we prefer the employment of the people of Ireland to the pedantic determination to support the principles of political economy; and on that issue we go to the country. The right hon. Gentleman the Member for Dorchester (Sir J. Graham), who has given a consistent opposition to every measure of this kind, has called upon the House to consider the financial state of the country. He drew a dark view of it; admitting, at the same time, that in every respect the financial condition of the country was improved—that the Bank has emerged in a great degree from the overwhelming difficulties that menaced it—that the rate of interest in the city of London is by no means so great as it was some months ago; "but," says the right hon. Gentleman, "remember you have to pay for all that corn which hourly and daily is filling the granaries of this country." Why, I should have thought that the right hon. Gentleman must be aware—and I am sure, on recollection, he must already have placed before his mind the fact—that not a single quarter of grain that is now entering England, or even that will for some time enter England, but has already been paid for; and that, by the common mercantile system of this country, it is impossible a single quarter of the grain now entering England has not been paid for. And if the Bank has emerged from its difficulties—if the rate of exchange is not so stringent as it was—I cannot believe that the circumstance of the present importation of corn can be the cause that ultimately will produce any derangement in our finances. Well, then, the right hon. Gentleman (Sir J. Graham), faithful to his mission, enjoying the consistent position he now occupies—remembering that he opposed the Motion of the noble Lord the hon. Member for Lynn in Feburary—and, therefore, feeling authorized to oppose Her Majesty's Ministers now near July—again calls the attention of the House to the circumstance, that, by these advances of public money in support of railways in Ireland, you are, in fact, not employing the labour of the country. Says the right hon. Gentleman, "It is well known that only one-third of the capital employed is expended on earthworks." Why, really, I think that there is no Gentleman, whatever his opinions may be on the main question, but must agree with me when I say, that no point was more amply discussed, entered into more detail, and ultimately more generally agreed to by hon. Gentlemen on both sides of the House than this, that there could not be a greater fallacy than to suppose that the amount of labour employed in railways was in any degree to be measured by the labour employed on earthworks. Grant that of the capital employed on railways only one-third is expended on earthworks; yet I say that the most moderate computation, made by official reports, by the highest authorities on this subject, is, that the labour employed on railways demands at least two-thirds of the capital employed on them; for the right hon. Gentleman entirely omits the construction of the way. He looks merely to the earthworks, and does not look in any degree to those other circumstances which are familiar to all of us; and it was fully admitted on all hands, in a long discussion which took place at the commencement of the Session, on authority which no one could dispute, that two-thirds of the capital employed on railways were expended in labour. The right hon. Gentleman, in that comprehensive though brief speech which he made to-night—and which, in truth, he had a right to make consistently with the opposition which, on a former occasion, he offered to the proposition of the noble Member for Lynn—said, that he agreed in a certain sense with Her Majesty's Ministers, and he felt that there were a variety of measures—I trust I do not misrepresent the right hon. Gentleman—in reference to which Her Majesty's Ministers might be justified in interfering for the purpose of ameliorating the state of Ireland. In particular, he referred to colonisation—a subject which had been brought before the House by his recent Colleague the noble Lord the Member for Falkirk. I understood, from the only means by which those not present can obtain any notion of what a Member may express in this House, that that noble Lord (the Earl of Lincoln) did full justice on that occasion to the great ability of Mr. Godley, and that he adopted in many senses the general scope and tendency of the measures recommended by Mr. Godley. Certainly, though I do believe the noble Lord, with what I would call official prescience, did not particularly bind himself to adopt all the recommendations of that gentleman, yet he nevertheless indicated the most considerable, and referred to the general scope of Mr. Godley's system with approbation. Well, what is one of the features of the system of Mr. Godley? He is the apostle of Irish colonisation. He says, " Send the Irish to Canada;" and, God knows, every Gentleman would be glad to do so, if when they reached Canada, they would be able to pursue a life which would tend more to their general welfare than the life they lead at present. But the natural and practical question which occurs to everybody who attends to the system of Mr. Godley is, " What will you do with this great influx of Irish in Canada when they arrive there?" Mr. Godley, who is a man of ability, and who has well matured his system, has provided for this. He says, " I will tell you what to do with them; let them make railways." The first thing to do, when the fleet of Irish emigrant colonisers has crossed over to Canada, is to create a railway from Halifax to Quebec. This is the most practical part of the great scheme matured by Mr. Godley's ability, and referred to by the right hon. Member for Dorchester, and the noble Lord the Member for Falkirk. You are to make the Irish emigrate from their country, to cross the Atlantic, and to do—what? That which the noble Member for Lynn proposed to the Parliament of England, in February last, that the Irish should do in their own country. Such is the irresistible power of experience, and such the inevitable conviction of circumstances, that at the end of the Session, though with a timid spirit and in a partial manner, or, to use the language of the right hon. Gentleman (the Chancellor of the Exchequer), under different circumstances and with certain limitations, Her Majesty's Ministers feel it their absolute duty to propose to the Parliament of this country to adopt the plan proposed at the commencement of the Session by the noble Member for Lynn. You cannot deny that the Session commenced by a noble Lord, not a member of the Government—I will not call him a member of Opposition, for that is an ungracious term—bringing forward a great and comprehensive measure. All acknowledge that, even the hon. Baronet the Member for Southwark, who does not agree in the principle of it. The noble Lord brings that measure forward, and you all unite—form a junction of every party in the House—except those who immediately follow the noble Lord, and you obtain a great triumph. I remember your countenances—your smiles and your congratulations—when you came out of the division lobby—the glory of the Government—the chuckling conviction that they had saved their country, as well as the patriotic inspiration which fired the hon. Member from Southwark and his Friends—" You have done a great deed, you have kicked out the great and comprehensive measure, founded on principles of which you entirely disapprove, not only in reference to Ireland, but which are antagonistic to your general policy. You are in a consistent, honourable, and respectable position." Now enjoy your triumph, but explain your conduct to your constituents. Let England decide whether it is to be governed on pure principles of political economy. We are ready to meet you on that question. The time may come, when, instructed by the speeches and writings of the hon. Baronet the Member for Southwark, you may find England prepared; but the practical question is, whether you will find England prepared on the 24th of July next? My opinion is that you will not. The constituencies of England will naturally say, it is all very well, but Ireland is as much part of the United Kingdom as Yorkshire and Lancashire; and we can no longer bear that the misgovernment of centuries, which the First Minister of the country described to be the cause of the present state of Ireland, should not in some degree be mitigated. You have opposed the only great and comprehensive measure ever brought forward for the amelioration of Ireland. The right hon. Baronet the Member for Dorchester, who joined in the first opposition to the measure, and, not now relinquishing a single principle on which he made that opposition, tells you fairly that the question for England to decide is, whether it will be governed on the principles of political economy or not. He tells you not to suppose that you are merely now deciding whether Ireland is to have a grant of some 600,000*l.* or not. Nothing could equal the courage, I would almost say the audacity, of the right hon. Baronet—and I admire him for it, it is a praiseworthy quality—with which the right hon. Baronet addressed the House this evening. He says, "do not suppose that the vote of a small sum of money is the real question at issue—the question is whether you are to have another Ten Hours Bill affair." The question is whether we are to be governed by certain conclusions, which I believe a very small minority in this House or in the country will accept as political truths; or whether the wants of the people, both English and Irish, are to be considered—whether, in fact, we are to be animated, when we attempt to legislate, by national sympathies, or whether we are to take refuge in mere dry pedantic political aphorisms?

MR. HUME admitted that the hon. Gentleman who had just sat down had cause of triumph against those who on a former occasion voted against a principle which they were now going to support. He had heard no sufficient reason given by the Chancellor of the Exchequer for this change of conduct on the part of the Government. The course pursued by the Government constituted a great triumph for the noble Lord the Member for Lynn. He was anxious to state why on a former occasion he voted against the proposal of the noble Member for Lynn, and why he now opposed the measure of Her Majesty's Government. He agreed with the hon. Member for Shrewsbury that whether they were asked to vote 16,000,000*l.* or 600,000*l.* for the promotion of railways in Ireland, the principle was the same; and he therefore opposed this measure, as he had formerly opposed the measure of the noble Lord opposite. The Government now proposed that 600,000*l.* should be advanced for promoting railways in one portion of the empire. He contended that England, Ireland, and Scotland ought in every respect to be placed on an equal footing; but could the noble Lord (Lord J. Russsell) say that he was acting justly in taking 600,000*l.* out of the pockets of the people of England and Scotland, for the establishment of railways in Ireland? Was this justice to England and Scotland? Was it even justice to Ireland? It was not; for the assistance they were called upon to afford, would not be extended to the whole of that country, but only to a portion of it. If the noble Lord at the head of the Government intended, as he had said, to give assistance to the labouring population of Ireland, why did he not adopt the principle of the noble Member for Lynn? Why was he so partial and unjust as to afford assistance only to three railways? He (Mr. Hume) objected to taking money from the pockets of the people of England and Scotland, not to benefit the Irish people, but for the advantage of a few speculators; and he should therefore feel it his duty to vote against the Bill.

MR. CARDWELL hoped that, before the debate was allowed to close, a distinct statement would be made on the part of Her Majesty's Government whether this was to be an exceptional case, founded upon the peculiar circumstances of Ireland, or whether, as had been announced in the course of the evening, it was to be regarded as the commencement of a new course of public policy, to be the foundation of a new system of administration in Ireland. He considered that the remarks which had just been made by the hon. Member for Shrewsbury rendered it still more necessary that they should not separate without a clear understanding on this subject. That hon. Gentleman had laid down the priciple that they were not to give aid to promote railways in England, because Englishmen did these things for themselves; but that they were to give aid to Ireland, because Irishmen did come forward to promote such undertakings. Now, if this measure was to be the foundation of a new system of policy, and if that policy were to be grounded on the reason given by the hon. Member for Shrewsbury, he (Mr. Cardwell) thought it was high time that the matter should be brought fairly and intelligibly before the House. This must, in some degree, be part of a new plan of policy; because it was not consistent in the Government to say that this was an exceptional case, and that this measure was rendered necessary by the state of Ireland. He considered that the noble Member for Lynn had the best of the argument. In February, Parliament was called upon to consider in what manner several months of famine were to be got through; and the noble Lord (Lord G. Bentinck) came forward and said, "Construct railways and employ the Irish people." What was the answer of the Government? "It is extremely improper," they said, "to bring the credit or the money of the nation in aid of private enterprises: these undertakings cannot be so well carried out by Government instrumentality as by private enterprise; the railways it is proposed to assist are all in the eastern district of Ireland, and your assistance will be of little or no benefit to the western and more destitute part of the country." Could the Government now, when they were coming forward to promote a railway from Dublin to Cashel, to the exclusion of a railway from Dublin to Galway, say that this was an exceptional case? The hon. Member for Shrewsbury had told them that capital did not go to Ireland; and in February last the Chancellor of the Exchequer said that the measure of the noble Member for Lynn was not a measure for the relief of the destitute labourers of Ireland, but for the relief of the destitute shareholders in England. That statement of the Chancellor of the Exchequer was perfectly true, for the directors of the North-Western Railway were the parties who got up the Dublin and Cashel Railway; and the effect of the noble Lord's measure would therefore have been to relieve the shareholders in England. Why could not the Dublin and Cashel Railway Company finish their works without assistance? It was true that that railway would unite Dublin with Cork and Limerick, and that that was a very important communication; but were there no important lines of communication projected in this island? The Dublin and Cashel shares were at a discount; but they were, he believed, only at the same discount as the shares in the railway which was to unite London with Glasgow and Edinburgh, and the railway which was to connect London with Holyhead, in order to afford more rapid communication with Dublin. But had those railway companies come to that House for money? Why, then, was the Dublin and Cashel Railway Company entitled to assistance? They had been told that they ought to deal with Ireland as if it were Yorkshire. The hon. Member for Sunderland (Mr. Hudson) knew that when a railway was in course of construction to unite London with the great metropolis of the woollen manufacture — Leeds, the shares in that railway were at one time at a much greater discount than the shares in the Dublin and Cashel Railway; but did the company apply to the British Parliament for money to enable them to make a railway from London to Leeds? It appeared the Government had been told that the Irish railway companies which were to participate in this grant had purchased all their rails, engines, and carriages, and that the whole of the money which it was proposed to advance would be expended upon earthworks. He would ask the right hon. Member for Sunderland, or any one acquainted with railway business, whether this was not the first instance that had come to their knowledge of a railway company having purchased, and—although in great distress—having paid for all their engines, carriages, and rails, and wanting only one thing, which they could not accomplish without the assistance of the Government to complete their line—the earthworks? But he would ask the House to consider what was the state of things in this country when the London and Leeds Railway was in progress? The iron trade was depressed; the furnaces were blown out; the population of Lancashire and Yorkshire was in deep distress; but yet the company did not come to Parliament asking assistance to enable them to prosecute their scheme. No; the energy of the English people effected a railway communication between London and Leeds; and the energy of the English people was now carrying out a similar communication between London and Edinburgh, and between London and Holyhead. He was satisfied, that if Parliament did not interfere, the shareholders in these Irish railways would find it necessary to go on with their own works; and by leaving English energy unfettered and unaided, the House would confer greater benefit upon Ireland than they could do by interference and assistance. So much for the plan of helping those who would not help themselves. Very different was the peroration of the noble Lord in his speech at the beginning of the Session. He well recollected that peroration, in which the noble Lord told the Irish people to help themselves, and the British Parliament would help them. Very different was this from the observation of the hon. Member for Shrewsbury, that Irishmen would not help themselves if you did not help them. But he had risen principally for the purpose of noticing the state of the Exchequer. It was said that this was not a large sum of money; he did not know that it was a large sum of money, but it bore a large proportion to 650,000*l.*, which the wisdom of Parliament had provided for extraordinary occasions. Where was the money to come from? From the balance in the Exchequer. It was said that there was a sufficient balance in the Exchequer for the purpose. Where was this balance got? It was got from a loan; and it was a most improvident arrangement to borrow money upon condition of paying 100*l.* for 90*l.* received, and to lend the money so borrowed to Irish railroads. What was the state of the market for Exchequer bills? It had never been in such a state since 1817. Never since the close of the war had we paid 3*d.* interest upon Exchequer bills, nor was it likely they would soon bear a lower rate of interest. The Prime Minister had confirmed the apprehension as to the state of the harvest in the coming year; and the hon. Member for Shrewsbury would not say that corn which was to be imported was not to be paid for; that was an argument for keeping the balances in the Exchequer. If the balances were high on the 10th of July, was that an argument that they would be high on the 10th of October? The hon. Member for Shrewsbury said, that the Bank of England had got through their difficulties; and others said that all these difficulties had arisen from the currency being contracted. But they also said that they feared that our commercial transactions would be fewer than before; and if our commercial transactions diminished, where was our revenue to come from? He advised those who were responsible for the amount of the balances in the Exchequer on the 10th of October not to be too confident, and if they had 620,000*l.* in the Exchequer, to keep it. He did not dwell upon the fairness or unfairness of this particular case; but he did not understand the answer of the Chancellor of the Exchequer, that assistance would be given to all railroads which had complied with the conditions, and that the Mullingar Railroad had not complied with the conditions. He had understood the noble Lord to say, "Let those come forward who can prove that they have the same claim, and the same assistance shall be given to them; and it must be so." Was that to be the state of things next Session? He did not think that it would enhance the character of the British Parliament if one Gentleman was to get up and recommend the Cashel line, and another Gentleman put in a claim for the Mullingar line. The hon. Member for Shrewsbury told them that they were not to show a pedantic adherence to the principles of political economy. He thought those principles had no other object than to promote the happiness of mankind—not out of mere theoretical notions, but upon practical grounds—and to that extent those who understood them adhered to the principles of political economy; and he hoped they would continue—not for any religious or social advantages, but from material, practical, monetary, and commercial views—to consider themselves bound to make those principles their guide. He hoped the country would know what was the situation it was in. They had been told by the noble Lord that this was the commencement of a system by which the condition of Ireland was to be ameliorated; and, whilst England and Scotland were to be left to themselves, Ireland was to have the benefit of these advances. If this was to be a new system of government for that country, it was fit, upon the eve of a general election that it should be proclaimed; and he should sit down by saying what he said when he began, that he sincerely hoped and trusted that the country would know, and the House would know, whether this was to be an exceptional case, based upon the ordinary condition of Ireland, evincing only a little inconsistency on the part of the Government; or whether it was to be the foundation of a new system, and a departure from the ancient system of government, by which some new benefit was to be conferred upon the State.

The House divided on the question, that the word "now" stand part of the Question:—Ayes 175; Noes 62: Majority 113.

List of the AYES.

Aldam, W.
Anson, hon. Col.
Archdall, Capt. M.
Austen, Col.
Bailey, J.
Baine, W.
Baldwin, B.
Baring, rt. hon. F. T.
Baring, T.
Barnard, E. G.
Bateson, T.
Beckett, W.
Bellew, R. M.
Bennet, P.
Bentinck, Lord G.
Bentinck, Lord H.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. G. F.
Bernal, R.

Blackburne, J. I.
Blake, M. J.
Bodkin, J. J.
Boldero, H. G.
Borthwick, P.
Bowles, Adm.
Brisco, M.
Brotherton, J.
Browne, hon. W.
Buller, C.
Burke, T. J.
Burrell, Sir C. M.
Busfeild, W.
Byng, rt. hon. G. S.
Callaghan, D.
Carew, hon. R. S.
Castlereagh, Visct.
Cavendish, hon. C. C.
Chapman, B.
Chichester, Lord J. L.
Christie, W. D.
Clay, Sir W.
Clifton, J. T.
Cole, hon. H. A.
Colebrooke, Sir T. E.
Collett, W. R.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Capt.
Damer, hon. Col.
Dawson, hon. T. V.
Denison, J. E.
Disraeli, B.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Esmonde, Sir T.
Ferguson, Sir R. A.
Frewen, C. H.
Fuller, A. E.
Gibson, rt. hon. T. M.
Gore, M.
Gore, W. R. O.
Gore, hon. R.
Greene, T.
Gregory, W. H.
Grey, rt. hon. Sir G.
Grogan, E.
Grosvenor, Lord R.
Grosvenor, Earl
Hallyburton, Ld. J.F.G.
Halsey, T. P.
Hamilton, J. H.
Hamilton, G. A.
Hamilton, Lord C.
Hanmer, Sir J.
Hatton, Capt. V.
Hawes, B.
Hayes, Sir E.
Hobhouse, rt. hon. Sir J.
Hodgson, R.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Hudson, G.
Hurst, R. H.
Hutt, W.
Jervis, Sir J.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kemble, H.

Labouchere, rt. hon. H.
Langston, J. H.
Lawless, hon. C.
Lawson, A.
Layard, Major
Lefroy, A.
Le Marchant, Sir D.
Liddell, hon. H. T.
Lowther, hon. Col.
Macaulay, rt. hon. T. B.
M'Carthy, A.
M'Donnell, J. M.
M'Taggart, Sir J.
Mangles, R. D.
Manners, Lord J.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Monahan, J. H.
Morpeth, Visct.
Morison, Gen.
Mostyn, hon. E. M. L.
Napier, Sir C.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Norreys, Sir J. D.
O'Brien, A. S.
O'Brien, C.
O'Brien, J.
O'Connell, M. J.
O'Conor Don
Ogle, S. C. H.
Ord, W.
Osborne, R.
Paget, Col.
Paget, Lord A.
Palmerston, Visct.
Parker, J.
Perfect, R.
Philipps, Sir R. B. P.
Pinney, W.
Polhill, F.
Ponsonby, hn. C.F.A.C.
Pusey, P.
Rashleigh, W.
Repton, G. W. J.
Rich, H.
Ross, D. R.
Round, J.
Russell, Lord J.
Russell, Lord C. J. F.
Rutherfurd, A.
Scrope, G. P.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somers, J. P.
Somerville, Sir W. M.
Stanley, hon. W. O.
Staunton, Sir G. T.
Stuart, Lord J.
Stuart, J.
Strutt, rt. hon. E.
Talbot, C. R. M.
Taylor, E.
Thornely, T.
Towneley, J.
Trollope, Sir J.
Turner, E.
Vane, Lord H.
Vesey, hon. T.
Villiers, hon. C.
Vivian, J. H.
Vyse, H.

Walker, R.
Wall, C. B.
Ward, H. G.
Watson, W. H.
Wilshere, W.
Wodehouse, E.

Wood, rt hon. . W.
Wynn, rt. hon. C W.
Wyse, T.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Antrobus, E.
Arkwright, G.
Barclay, D.
Barrington, Visct.
Bodkin, W. H.
Bouverie, hon. E. P.
Broadwood, H.
Brown, W.
Cardwell, E.
Carew, W. H. P.
Clerk, rt. hon. Sir G.
Clive, Visct.
Cripps, W.
Deedes, W.
Dennistoun, J.
D'Eyncourt, rt. hn. C.T.
Douglas, Sir C. E.
Douglas, J. D. S.
Duke, Sir J.
Duncan, Visct.
Duncan, G.
Duncombe, T.
Entwisle, W.
Goulburn, rt. hon. H.
Graham, rt hon. Sir J.
Hall, Sir B.
Hastie, A.
Hervey, Lord A.
Hogg, Sir J. W.
Hope, G. W.
Hughes, W. B.
Hume, J.
Humphery, Ald.

Lincoln, Earl of
Lindsay, Col.
Lygon, hon. Gen.
Marshall, W.
Masterman, J.
Mitchell, T. A.
Moffatt, G.
Morris, D.
Mure, Col.
Neville, R.
Patten, J. W.
Pechell, Capt.
Peel, J.
Ricardo, J. L.
Sheppard, T.
Sibthorp, Col.
Smyth, Sir H.
Spry, Sir S. T.
Stuart, H.
Sutton, hon. H. M.
Tollemache, J.
Trelawny, J. S.
Trotter, J.
Vivian, J. H.
Wakley, T.
Williams, W.
Wood, Col. T.
Wortley, hon. J. S.
Yorke, H. R.

TELLERS.

Molesworth, Sir W.
Roebuck, J. A.

Bill read a second time.

BANKRUPTCY AND INSOLVENCY.

On the Order of the Day for the Second Reading of the Bankruptcy and Insolvency Bill,

Sir J. GRAHAM said, that this Bill proposed to place the business of bankruptcy again under the Court of Chancery, although it had been severed from it upon the recommendation of a Commission who had well considered the subject. No reason had been assigned either in that or the other House of Parliament for the reversal of the decision of the Legislature; and he thought that, before they proceeded with it, some explanation ought to be given by the Government.

Mr HUME said, that a report had been made on this subject in the House of Lords: and he thought that that report should be laid before the House before they took any further steps with the Bill.

Sir G GREY said, that practically the Court of Review was abolished, and the business of the court was done by one of the Vice Chancellors. But in order to qualify him to act, he was obliged to receive the appointment of Chief Judge of the Court of Review. The object of this Bill was to abolish the technical mode of transferring the business to the Vice Chancellor, and to give the sanction of Parliament to that which had hitherto been done without its sanction.

Bill read a second time.

House adjourned at One o'Clock.

HOUSE OF LORDS,

Tuesday, June 29, 1847.

MINUTES.] PUBLIC BILLS.—1ª Drainage of Lands (Scotland.

Reported.—Baths and Washhouses.

3ª and passed:—Royal Marine Service.

PETITIONS PRESENTED. From Working Men of London, for the Enactment of Sanitary Regulations.—By Lord Monteagle, from several Proprietors of Baths in London, for Compensation to Proprietors of London, desirous of discontinuing their Establishments in consequence of the Establishment of Baths and Washhouses.

POOR LAW ADMINISTRATION BILL.

The MARQUESS of LANSDOWNE moved the Second Reading of the Poor Law Administration Bill. The chief object of the present measure was to alter the machinery by which the laws for the relief of the poor were carried out in this country. To anticipate that their Lordships must feel the necessity of continuing the powers of the Commission, was only to assume that they thought the Poor Law founded upon sound and just principles, though modifications might be advisable in regard to the administrative body. The question had arisen whether it was expedient that the powers—and they were very great—to be vested in the authority constituted for the administration of the law, should particularly be confided to one person, or be left in the hands of more than one person. After much consideration, Her Majesty's Government had resolved to propose the present Bill; the effect of which would be, that the co-ordinate authority which had hitherto been exercised by three Commissioners would essentially, though not without certain checks and restrictions, be practically intrusted to one individual. That one individual would be, according to an analogy which had been thought appropriate, placed in a position similar to that occupied by the President of the Board of Control. The Bill was intended to secure that effectal co-operation which was desirable among all parties concerned in the proper administration of the law. It was thought advisable that the President of the Poor Law Board should be placed in such a position as to be responsible to Parliament and responsible to the public; and that explanations on questions which might arise should not be given indirectly through one of Her Majesty's Ministers, but directly by the person to whom the power of controlling the administration of the law might be confided. Such were the principal objects of the Bill. There were other provisions for adapting the powers hitherto entrusted to the Poor Law Commissioners to the system now proposed. The noble Marquess (who was but imperfectly heard) concluded by expressing his hope that their Lordships would now give the Bill a second reading. He would propose that it be committed on an early day, when an opportunity would be afforded of stating any opinions which their Lordships might have formed as to the provisions of the measure.

LORD BROUGHAM adhered, in all essential respects, to the principle of the original Poor Law measure; and he felt it highly important that nothing should go out to the public which would in the slightest degree indicate any doubt or hesitation on the part of their Lordships in regard to that great and salutary amendment of the law. He felt that it would be unjust if he were not to say that, generally speaking, he entirely approved of the conduct of Mr. Nicholls and his coadjutors; and peculiarly grateful was he to the gentleman he was about to name—Mr. Edwin Chadwick, the Secretary of the Board. He (Lord Brougham) should consider that that most respectable and most able officer of the Board had been worse used than any public servant in his time, if he found the slightest disposition in any quarter to sacrifice him to clamour, a clamour raised against him for the faithful discharge of his duties. Those to whom the administration of the Poor Law was committed, were peculiarly obnoxious to abuse, and slander, and vituperation; and it became the bounden duty of Parliament and the Government of the day jealously to watch over the interests and the fame of those individuals, and to see that they were not abandoned as victims to public clamour. Some of these persons had not shown the firmness in the discharge of their important duties that Mr. Chadwick and Mr. Nicholls had done. He (Lord Brougham) would name no names; but he had before him a statement, not of Mr. Chadwick, but of another and a respectable person connected with many friends of their Lordships, and nearly connected with important Members of the present Government; and the account which he gave of the want of nerve and firmness of some of the Commissioners was such as to show clearly how it happened that the Act had not been thoroughly carried into effect, and that the hopes formed of it were not fully realized. He stated—

> "It was perfectly clear to me, that what was always uppermost in their minds was not how they should best perform their duty, but how they should appease the newspapers, and mollify, by concession, all the objections of the anti-Poor Law agitators. They have encountered the natural result of such conduct, in losing their friends and not gaining their enemies. . . . . Both, too, were distinguished by another quality, which, in my opinion, absolutely disqualified them from wisely managing the difficult duties of a Poor Law Commissioner. They were literally without any moral courage. A depreciatory paragraph in the newspapers seemed to fill them with the direst alarm, and they were ready to sacrifice any subordinate officer, or any principle of the law it was their duty to enforce, to appease a newspaper clamour, or the demands of an anti-Poor Law agitator. . . . . Hence the conduct of the Commissioners was especially annoying to me; and, further, rendered my tenure of office very precarious, as I knew perfectly well that they would not hesitate a moment in ejecting me ignominiously, if, in the discharge of my duty, I should ever be made a mark for newspaper attacks. Right or wrong, I should be sacrificed without scruple; and the business of an assistant commissioner is so extremely difficult, and exposed to such obloquy, that the utmost caution cannot preserve him from public attacks and misrepresentations."

Persons who undertook to manage the administration of such a law as this ought to know how to resist groundless attacks and bear up against clamour, supported as they must know they would be by Parliament. Nothing could pass more innocuous over the head of an honest man engaged in the discharge of public duties, than attacks made, perhaps, only for the sake of gaining a fleeting, a base, and an ignoble popularity. Popularity, indeed! Those who vigorously administered this Poor Law were really the poor man's friends. This law was made for the sake of the poor—not for the benefit of the rich, nor to save the money of the rich, but to benefit the poor—to redeem their character and restore their independence. They who could best put this principle into execution were the truest friends of the poor. Those persons ought to have disdained popularity and praise obtained only by yielding to clamour; and they ought equally to have despised any abuse, any vituperation, which the firm and faithful discharge of their duties might draw upon them.

> "Falsus honor juvat, et mendax infamia terret
> Quem, nisi mendosum et mendacem?"

Or, in an English dress—

> "False honour charms and lying slanders scare
> Whom but the false and faulty?"

He (Lord Brougham) must enter his protest against the bad conduct of this measure; the flinching from the performance of duty imposed by it; the yielding to clamour in the performance of that duty; and he only discharged his own duty in doing justice to some of the most useful public servants ever employed by this country, and charged with great and difficult and invidious and delicate public duties.

Lord REDESDALE must enter his protest against bringing the President and Secretary into Parliament, to mix in party conflict. It would be next to impossible to find a qualified person, able to take a prominent part in debate, willing to perform the duties of the office, and having a constituency not likely to be carried away by popular outcry with regard to the Poor Law.

Bill read 2^a

BATHS AND WASHHOUSES BILL.

House in Committee.

Lord CAMPBELL briefly stated the objects of the measure, which he anticipated would be productive of much benefit. After sketching the history of legislation upon the subject, from its having been taken up by a right rev. Prelate near him, and by Sir Henry Dukenfield, the rector of St. Martin's, to the passing of the Bill in the other House, he stated that an alteration which had produced much inconvenience, had been made in the measure as originally framed by the Act of last year for the establishment of public baths for the poor in any parish, with the consent of two-thirds of the ratepayers, allowed only one charge for baths—viz., 1*d.* for a cold, and 2*d.* for a hot bath. But it was desirable to have another sort of bath, not with a view to benefit the rich, but a less humble class of the poor. This was proposed to be accomplished by the present Bill, one clause of which would allow treble those charges for baths of a higher class. There were many little tradesmen to whom cleanliness was a great object, but who did not like to go into the same bath that had been used by coalheavers or porters, or their own menial servants. A profit would thus be obtained in relief of the rates, and it was a great object to make the baths remunerative to the parish, and acceptable to the poor. He had no wish to disparage the petitioners against the clause (the owners of private baths); but he thought that they laboured under a false alarm. Their baths were meant for the higher orders, and he believed that they never charged less than 2*s.* 6*d.* for a warm bath, and 1*s.* for a cold bath. Therefore, the baths proposed to be established under the present Bill would enter into no competition with them. But, even granting that their interests would suffer, that would not be a sufficient reason for abandoning a great public advantage. By the establishment of railways, many innkeepers and postmasters had been ruined; and yet no one on that account contended against the system of railways. He believed that there were not above eight or nine petitions against the clause; and would their Lordships, on account of this small number, prevent the establishment of baths which were likely to be of so much advantage to the poorer classes of the community? Besides, there was in the Act a power reserved to the Secretary of State of interfering, on satisfactory cause being shown; so that if any person felt that his property would be injured by the establishment of any particular bath under this Bill, he might make a representation of the circumstances, and his case would be heard. Under these circumstances, he trusted their Lordships would agree to the provision.

LORD MONTEAGLE said, that the principle involved in the Bill was one of great magnitude; and, if adopted, might be applied in a variety of instances contrary to every just doctrine of economic science, and contrary to the interests of the payers of the rates, and the possessors of property. He maintained, that the proposal was not a proper application of the rates. No one quarrelled with the proposition to provide this accommodation for the poor; but why should the rates be charged for the accommodation of those above the poor? As well might they provide in workhouses superior accommodation for a certain high class of the inmates. The noble and learned Lord said, that the parties for whom this superior accommodation was intended, would not condescend to bathe in the baths used by their menial servants; and that, therefore, it was necessary to have two classes of baths. Would their Lordships then give power to burden the rates for the sake of those who only required this accommodation, not from distress, but because they would not condescend to bathe in the baths provided for their menial servants? He trusted that their Lordships would not allow the rates to be misapplied in this way. The noble and learned Lord said, there was power reserved to the Secretary of State to prohibit the establishment of these baths in such cases as he thought fit. What then became of the whole principle of the Bill, when it was apprehended that it would lead to such abuses that it was necessary to give the Secretary of State a suspending power? That was an admission of the danger of the measure. The noble and learned Lord referred to railways, and said no one dreamed of stopping them, though they might injure the interest of other parties. Railways, however, were the spirit of private speculation; but the case was quite different with these baths, for which the money was to be raised by rate, levied, too, on the very property with which they would come into competition. Skill and capital had been employed in the establishment of private bathing establishments in the metropolis; and the invested capital perilled by the present Bill amounted to upwards of 50,000*l.* He moved the omission of the clause in question.

The BISHOP of LONDON supported the Bill. From the noble Lord's commencement, one might have imagined that this Bill was to create nothing less than a general disturbance of the rights of property; but he thought that their Lordships might now feel relieved of all apprehension on that score. If there were any objection in point of principle to the Bill, it came too late; for their Lordships had already sanctioned the principle in a much more objectionable form. Far from encumbering the poor rates, the very object of the clause in question was to lighten the pressure on them. The Legislature had already sanctioned the principle of the establishment of baths for the poor at the public expense; and the recommendation of the clause was that the profit derived from the better sort of baths would tend to provide for the expenses of the baths for the poorest. Therefore, unless this clause were agreed to, the burden on the rates must be increased to maintain the baths for the very poorest classes. He maintained that the clause was necessary—that it was consistent with the sound principles of political economy and financial justice. It was proposed that there should be two classes of baths, both of them for the poor people; one for the poorest, and another class for people somewhat above them—such as mechanics or poor tradesmen. He could not believe that these baths could ever enter into competition with those frequented by persons who were accustomed to pay 2*s.* 6*d.* or 3*s.* 6*d.* for a single bath. The effect of the petitions against the clause was this, that because the petitioners had invested certain capital in private baths, not for the benefit of the poor, therefore the poor throughout the metropolis were to be deprived of the advantage of the establishment of baths under this Bill; because, though all these baths were meant for the poorer sort, yet it was necessary to have one class of baths to defray the cost of the baths intended for the very poorest. A public bath, at which two classes of baths at different rates of charge were maintained, had been established for some time in the north-western district of the metropolis; and within twelve months no less than 80,000 persons had enjoyed the luxury of bathing in that institution. He would ask their Lordships whether they would interfere with the establishment of such institutions merely for the sake of protecting the interests of a few individuals, who could not be under any apprehension of sustaining serious loss from the extension of public baths? They might depend upon it, that if the practice of bathing became general among the poorer classes, the example would be followed by the middle and higher classes; and, in the end, the proprietors of private baths would be considerable gainers by the establishment of public baths. He held in his hand an Act which had recently received the Royal Assent, and which embodied the principle to which the noble Lord (Lord Monteagle) now objected; he referred to the Towns Improvement Clauses Act. The commissioners to be appointed under that Act were empowered, by the 136th Clause, to purchase, rent, or otherwise provide suitable and convenient lands and buildings, to be used for public baths and washhouses, and public open bathing places and drying grounds, the use of which was to be allowed to the inhabitants of the respective districts at such reasonable charges, and under such regulations, as the commissioners might deem expedient. The principle of the Bill now before their Lordships had, therefore, already received their sanction; and he trusted that they would adopt the measure in its present form.

Lord STANLEY said, it appeared to him that the principle of this Bill had already received their Lordships' approval in the Act which had been referred to by the right rev. Prelate. The principle had already been admitted, that baths should be provided for the lower and labouring classes at prices below those at which they could be furnished by the owners of private establishments; and, considering the immense advantage which the lower classes would derive from being afforded easy access to baths and washhouses, he thought it most advisable that such accommodation should be provided for them without any unnecessary delay. This Bill proposed that a higher class of baths should be instituted, from which some profit might be derived to assist in maintaining the lower class of baths, and thereby relieving the parochial rates. It was complained that this higher class of baths would interfere with the profits of the proprietors of private baths. Now, considering the very small amount of capital which appeared to have been invested in such establishments, he was not inclined to think—even if the competition should be more extensive than was anticipated—that such a consideration ought to induce their Lordships to reject a measure of so much importance as the present. He considered that the best mode of affording protection to the parties who apprehended that these public baths might come into competition with their private baths, would be to fix the charge for the superior class of public baths sufficiently high to guarantee the private bath proprietors against being injured by the competition of a better class of public baths at very low prices, He would suggest whether it might not be advisable to fix a minimum rather than a maximum charge for those public baths which might be established avowedly for the purpose of realizing a profit. He thought that, instead of providing that the charge for the superior class of baths should not exceed, in any case, three times the charges for the inferior baths, the better plan would be to provide that the charges for the higher class of baths should not be less than three times the rates charged for the baths provided for the labouring classes.

The Marquess of LANSDOWNE was

understood to say, that he considered, if the noble Lord's suggestion were adopted, the effect might be to render the superior class of public baths fashionable, and to bring them more into competition with private baths than would otherwise be the case.

Amendment withdrawn. Clause to stand part of the Bill. Bill reported.

House adjourned.

HOUSE OF COMMONS,

Wednesday, June 30, 1847.

Minutes.] Public Bills.—1° Bishopric of Manchester, &c.; Mussel Fisheries (Scotland); Compensation for Damages (Ireland).

Reported.—Canada Consolidated Revenue Fund.

3° and passed;—Master in Chancery; Militia Ballots Suspension; Naval Mutiny.

Petitions Presented. By Sir J. Hobhouse, from Norwich, against Encouraging Idolatry in India.—By Mr. Wawn, from South Shields, for Abolition of the Receipt Stamp Tax.—By Mr. Brotherton, from Ipswich, and other places, for One Penny Stamp Tax on Receipts, &c. —By Mr. Wakley, from various Gentlemen, for Completion of Farringdon New Street.—By Sir J. Hobhouse, from Nottingham, in favour of Health of Towns Bill. —By Mr. Wakley, from various places, in favour of the Medical Registration and Medical Law Amendment Bill. —By Mr. Newdegate, from Relieving Officers, and others, for a Superannuation Fund for Poor Law Officers. —By Sir Charles Knightley, from Daventry (Northampton) for Alteration of the Poor Laws Administration Bill. —By Sir G. Grey, from Lincoln, for Alteration of Registration of Births, &c. Act.

NAVIGATION LAWS — INCORRECT RETURNS.

Lord G. BENTINCK said: A return of which some explanation had been promised, has been laid on the Table of the House by Mr. Parker, professing to be a statement of the number of ships arriving here during the suspension of the Navigation Laws. It sets forth that there have arrived in England 201 ships, measuring 15,374 tons, which would give an average of nearly seventy-five tons to each; that 103 ships, measuring 6,291 tons, giving an average of sixty-one tons to each, have arrived in Scotland; and that 234 ships, measuring 41,890 tons, have arrived in Ireland; making altogether 538 ships, measuring 63,555 tons, which are represented to have brought into this country provisions to the amount of 95,000 tons. Now, this appears to those who are best acquainted with the trade and commerce of the country a most mysterious return. They cannot conceive it possible that there can be anything like this number of foreign ships of that small burden laden with corn; and as regards the 538 foreign ships, which it is said brought over 95,000 tons of provisions, every one acquainted with the shipping interests says there are no foreign ships, except those of the United States, of a capacity to carry so much more than they measure; and that it is impossible the return can be correct. I have an account of the foreign ships which have left the United States in the fortnight between the 22nd May and the 5th of June. It is but a fortnight, it is true; but it essentially contradicts the return. It appears that, of foreign ships, which have sailed with grain from the United States, there were eight Bremen, two Hamburgh, one French, and one Prussian; and that of these twelve ships, two only, both Bremeners, cleared for Cork; facts which make it perfectly clear that there is some radical error in the return. And though it is one which would appear to help out a case for the renewal of the suspension of the Navigation Laws, I do not think that the Government laid it before the House for that purpose. Before the noble Lord takes any step for the renewal of the suspension of the Navigation Laws, the shipping interests have a right to have this return cleared up. I, therefore, ask the noble Lord (Lord J. Russell) if he has any objection to furnish returns explanatory of this return, and which will give the fullest particulars of the several vessels?

The CHANCELLOR of the EXCHEQUER begged to say, that he had desired the officers of the Customs to make a return of the ships which had brought in corn by virtue of the suspension of the Navigation Laws, and which could not otherwise have done so. Now, the return was that which it purported to be, and which he believed it to be. So far as the port of London was concerned—the only one as to which inquiry could be made in the time which had elapsed since his noble Friend put his question—it was so beyond all manner of doubt; and he was perfectly able to lay on the Table a return, so far as London was concerned, stating the arrivals, number, and countries of the ships, with the quantity and description of corn imported. He found that, as far as the port of London was concerned, the result was as follows:—Ships, 136; tonnage, 8,757; quarters of corn and rice, 72,846; bags of rice, 9,160. He could only leave the House to infer that, the order having been complied with for London in the terms in which he had given it, it had been so complied with in the other great ports throughout the empire. He had written to his right hon. Friend the Chairman of Customs on the subject, and the answer he had received was this:—"We are prepared to maintain that the ships, so far as London goes, do mean foreign ships bringing corn, which would not have brought it but for the suspension of the Navigation Laws." His right hon. Friend's inquiries could have extended no further than London in the time which had elapsed; but he had no objection to give a return extending to every port in the United Kingdom, though he hardly thought his noble Friend at the head of the Government would consent to postpone the Bill until the return was made as regarded all the ports.

Lord J. RUSSELL said, he believed the return in question was generally correct; the purpose for which it was presented, was to show generally to the House what had been the operation of the suspension of the Navigation Laws. But whatever were the case with regard to this return, he did not mean to rest the case for the second reading of the Bill to continue the suspension of the Navigation Laws on it. Even if it were true that only 500 quarters had come into our ports under the suspension now existing, he should still maintain that it was necessary to make every exertion to secure a supply of corn by suspending the Navigation Law until the 1st of March next.

RELIEF COMMITTEES (IRELAND).

Sir D. J. NORREYS, in calling the attention of the House and the Government to the Third Report of the Relief Commissioners in Ireland, delivered on the 29th instant, observed that it contained statements and allegations deeply affecting the national honour. The Commissioners alleged that although in some instances the relief committees might have discharged their duty properly, yet in other cases they accused them of connivance with acts of the grossest fraud. The Commissioners alleged that

—"demands had been made in a wholesale way by these committees for rations for a greater number of destitute than there were individuals in the entire population of the district; that this had occurred in several cases, and for thousands in excess;"—that "the Government inspecting officer had found no difficulty in striking off hundreds of names that ought not to have been found on the lists, including sometimes those of servants, and men in the constant employ of persons of considerable station and property—these latter being frequently themselves members of the committees—and that in some cases, the very chairmen being magistrates, had sanctioned the issue of rations to tenants of their own of considerable holdings possessed of live stock, and who, it was found, had paid up their last half year's rent."

The Commissioners further alleged that

—"intimidation (a very common cause of abuses) had in some instances been openly encouraged by members of committees."

He heard some hon. Members below him whisper that these cases were mentioned by the Commissioners as exceptional cases only; but he appealed to any one who had read this report whether the inference to be drawn from its general tenor was not that the Irish, as a people, must be the most corrupt and degraded on the face of the earth. Why, although the Commissioners had said something about "exceptional cases," yet, in another part of their report, they expressed the following general opinion, after saying that the object of the Act might have been attained with comparative facility if the agents had entered on the undertaking with earnestness and honesty of purpose:—

"We regret, however, to report that in very many districts such is not the case, and one result from the working of the measure appears to be manifest, viz., that for a general arrangement, a trustworthy local management, in most cases, cannot be ensured for smaller limits than those of a union."

He was justified, then, in calling upon the Government to lay upon the Table of the House the evidence upon which the Commissioners had made these statements, so materially affecting the honour and character of Ireland. If the facts justified the general statement, then the truth ought to be publicly known. He sincerely hoped that the Commissioners had been misled by the statements of the agents who had been sent about in different parts of the country. He knew that in many cases young men put in authority for the first time had been so sent, and in the coxcombry of their new position had laid down their own opinions as those of the Government, and had spoken harshly of those who differed from them. The House ought to have information to enable it to separate the innocent from the guilty of those who were involved in these general accusations, and to enable those upon whom an unjust imputation rested to clear themselves. He had not brought forward this matter on the former reports of the Commissioners, because he had been assured by the Government that in future the reports should be more carefully prepared; but he now called upon the Government, as an act of common honesty and justice, to require the Commissioners to lay upon the Table of the House full extracts from their proceedings, in order that it might be seen how the Relief Act had been carried out in every electoral district in Ireland.

MR. LABOUCHERE appealed to the names of the Commissioners, who had signed this report, at the head of which stood that of Sir John Burgoyne, as guarantees for the good faith of that document. The only object of the Commissioners had been to lay before the House a faithful picture of the operation of the relief works, and the manner in which the Act had been carried into effect. He could by no means admit that the statement they had made contained anything like a general or universal censure on the gentry of Ireland for the part they had acted in carrying out the measure for the relief of destitution in Ireland. It was quite true they had stated, that in not a few instances their efforts had been thwarted by the want of co-operation, and sometimes by the encouragement of gross abuses on the part of those who ought to have been the first to discountenance them; but still they were put forward as exceptional cases. He himself, while on the one hand he had always vindicated the gentry of Ireland from universal and sweeping censure, yet, on the other hand, never denied that in particular cases such abuses had prevailed. But the Commissioners had made no such sweeping condemnation. First, with respect to one of the most important functions which the genty of Ireland had to perform—that of members of finance committees — the Commissioners had borne testimony to the creditable manner in which those duties had been performed. These finance committees had been very carefully selected—they were fewer in number than the relief committees; and of them Sir John Burgoyne and his colleagues said—

> "The finance committees, composed of from two to four gentlemen of each union, have, with very rare exceptions, acted with zeal and intelligence, correcting in many instances errors of system introduced by the relief committees; but they cannot always control details requiring very accurate knowledge of the circumstances of persons and families."

That extract would show the anxiety of the Commissioners to do justice to the gentry of Ireland. They certainly went on to say, that in not a few cases the members of the relief committees, instead of co-operating with them, had thwarted them; but they were anxious also to state distinctly that so far from these cases forming the general rule, they were exceptional instances. They said—

> "In enlarging on these unpleasant facts, we would beg that it may be understood that they are clearly exceptions, although sufficient in number to be deserving of notice, and to show in parts of the country a great want of the principles necessary for minute self-government."

He appealed to Irish Members themselves whether they could deny that the report contained a true and faithful representation of the state of the country. The Commissioners had certainly had to contend with these exceptional cases; but it was very far from being true that the gentry of Ireland as a body had refused their co-operation. His hon. Friend had asked for a general inquiry into the operation of all these relief committees in Ireland, with a view of ascertaining who had and who had not performed his duty; but he could not advise the House to enter upon such an inquiry, nor could he hold out the hope that Her Majesty's Government would think it consistent with their duty, or advantageous to the public service, to enter upon such an inquiry. When he considered the ill blood, the criminations and recriminations, and all the evil effects which such an inquiry must produce upon Irish society, he thought that rather than embark upon it, some portion of abuse had better be borne. He regretted his hon. Friend should have thought that any affront was conveyed to the Irish gentry by the report, and hoped that he would be satisfied with his explanation.

MR. B. OSBORNE did not know if the explanation of the right hon. Gentleman was satisfactory to the House; but he did know that it ought not to be satisfactory to those Gentlemen representing Irish constituencies, or who held property in Ireland. In fact, the statement of the right hon. Gentleman made matters rather worse than before. The report gave the House and the country to understand that gross instances—he must call it of swindling—were the rule in Ireland, and not the exception. Why, he must admit that the report was not written with much clearness; still, after detailing these instances of swindling, it went on to state that to such instances there were exceptions. Now, if he could construe the English language at all, he must understand this to mean that swindling was the rule, and uprightness the exception. He would therefore call upon the hon. Gentleman who had brought this measure forward, to make some substantive Motion for inquiry, with a view to have the men against whom such conduct might be proved removed from the list of the magistracy. He was of opinion, however, that on investigation it would turn out that these charges were, in many instances, exaggerated; and he must say, that the selection of inspectors had been in general unwise and injudicious. In his own district officers of the army had been appointed—men who had just arrived from India, and who had not been in this country for the last twenty years; and these men were sent down to make reports upon the state of Ireland, and to act as spies upon the country gentlemen. He said, there was a system of shameful espionage exercised in Ireland, as was shown by the evidence given before Captain Wynne's Committee; and he might also refer to the report of Captain Norris against the priests of Tipperary, which had created a great sensation among the gentry, the priests, and the peasantry of that county. He regretted, that through inadvertence the name of an officer so honourable as Sir J. Burgoyne should have been appended to a report like the present; but he hoped, at all events, the hon. Gentleman would not allow this matter to rest where it was.

Mr. ROSS agreed with the other Members who had spoken, that the parties who were accused in this manner should have their names held up to the odium of England, Ireland, and Scotland. For himself, he was afraid that there was some truth in these reports. He could not believe that Sir John Burgoyne and the other hon. Commissioners would make such formal statements as these to the House of Commons, unless there were good grounds for them. There was a suspicion that jobbing prevailed to a great extent, and that justified the demand for information. He called upon the Government to give the names of those gentlemen who had put their domestic servants upon the lists for relief, or who had, for the sake of the next year's rent, put their own tenants upon the lists, although they had paid their rents and were in possession of property. Submission to these charges by the body of the Irish gentry would be a tacit admission of their guilt.

Mr. BERNAL spoke as an Englishman, and he felt that this matter could not be so lightly passed over as his right hon. Friend seemed to suppose. The report contained charges of a most serious nature, affecting the whole body of the landlords of Ireland, whether in the north or the south. They ought not to be subjected as a body to so sweeping and general a charges From what he knew of Sir John Burgoyne. and the other Commissioners, he was convinced that those gentlemen would never have appended their names to a report, if they were not thoroughly convinced of its truth. Was it to be supposed, after the debates which had taken place in that House, and the public odium which at various times had been heaped upon Irish gentlemen, that they could sit down contented under these sweeping accusations? He feared, from what he personally knew, that there was much truth in these allegations, and that there were parts of Ireland where the gentry did not attend as they ought to the distribution of relief. When sums were voted to so large an amount for that purpose, the names of parties who so neglected the commonest duties of morality and humanity ought to be given. The whole body of Irish proprietors ought not to be subject to a sweeping imputation, but the names of those who had done their duty should be separated from those who, by their neglect of it, justly incurred public odium.

Viscount CLEMENTS had recently been in Ireland, and bore testimony to the horrors that prevailed—horrors, of which fever was among the least: the people were pining away and starving by the road side. Their common mode of asking alms now was, "For God's sake do something for me, or I shall be found dead to-morrow." Looking at these horrors, he regarded the report of the Commissioners with some degree of charity. He did not lay the blame either upon them or upon the gentry, but upon the Government. In February last he had done all in his power to prevent the formation of this commission, and against passing such a Bill without defining what destitution was. He had contended to the utmost against the unfairness and injustice of leaving the responsibility of such a definition with the local authorities. There was now quite a scramble for relief. The Government had been guilty of a gross dereliction of duty, and ought to be condemned for that act. Then who were the Commissioners? With the single exception of Sir John Burgoyne, whose name could never be mentioned either in or out of that House without the highest respect, all the rest had ample employment for their time, without having the duties of such a commission entailed upon them. There was Mr. Redington, the Under Secretary—had he not enough to do? Next came Sir Randolph Routh, the head of the Commissariat—was not his time sufficiently employed? Colonel Jones, the head of the Board of Works—had he not enough upon his shoulders already? Mr. Twisleton, the Poor Law Commissioner—were not his duties sufficient to occupy his time? Last of all, came the head of the Constabulary—that *olla podrida*, mixing itself up with every matter in Ireland—he had surely enough to do in receiving underhanded reports from those who acted as spies, not only upon the gentry but upon the magistrates of Ireland. Although abuses might have existed to a great extent, the blame did not rest so much with the gentry as with the law.

Mr. LABOUCHERE said, that his noble Friend had thought fit to throw an imputation upon Colonel M'Gregor, with respect to his conduct, not as a Relief Commissioner, but as the head of police in Ireland. All he (Mr. Labouchere) could say was, that whenever his noble Friend should think proper to bring forward any charges against that distinguished person, he (Mr. Labouchere) should be ready to meet them. He believed, from communications he had had with persons of all classes, that his noble Friend would stand alone in his opinion of the manner in which the police force of Ireland was managed.

Mr. AGLIONBY protested against the censure cast upon the Government by the noble Lord: in circumstances of unparalleled difficulty and danger they had taken every step which could be expected. He did not, however, concur in the view taken by the right hon. Secretary for Ireland, and thought that when the character of a body of gentlemen was so seriously implicated, an inquiry ought to be instituted. Such an inquiry would rather tend to allay than to excite irritation; and it was most unjust that innocent persons should rest under an imputation, which, as it stood, affected the whole body. The guilty ought to be punished, and the country should know whether the allegations of the Commissioners were well founded.

Lord JOHN RUSSELL: I beg the House to consider for a short time what are the facts of this case. A body of Commissioners are appointed, with Sir John Burgoyne at their head, to whose merits every one will bear willing testimony—who have had imposed upon them a most arduous duty. They report that they are in superintendence of a system of relief which involves the distribution of upwards of two millions of rations daily, and that they have under them no fewer than 1,677 electoral divisions employed in giving that relief. And now let us consider whether those gentlemen, thus employed under the authority of an Act of this House, may not in the first instance feel it due to the Government and to the Parliament to state what are the obstacles which they have had to encounter in the performance of their duty. Having seen a great number of the reports which have been made to them, I am bound to say that I think their conduct has been most admirable, and that the obstacles which were thrown in their way after the first passing of the Act, by the apathy which was shown in many instances, and latterly by instances of something worse than apathy, are such, that they, the Commissioners, deserve very great credit indeed for the struggle they made to establish an efficient and systematic plan of relief, having to contend against such serious difficulties. I think it was due in the first instance to truth, and in the next to Parliament, which had made such large and extraordinary provisions for the relief of the destitute, that they should plainly state whether the system which the Legislature had devised had been carried fairly into operation by the local boards under their superintendence. Do they (as the hon. Member for Weymouth and other hon. Gentlemen erroneously suppose them to do) state that the whole body of the landholders of Ireland, or that, generally speaking, the great bulk of those entrusted with the administration of relief, have abused that trust, or employed that relief in affording food to those who do not want it, or are not entitled to it—to their own tenants, servants, dependants, and retainers? Far from it. They have stated that in the 1,677 electoral divisions, several instances of abuse and perversion have occurred. Now, I am at a loss to think by what process of language you can maintain that "several" means the whole body, or even designates the generality of them. But not only do they use the word "several;" but, after stating the abuses which have occurred, they expressly declare that such cases are exceptions. They specially point to that fact, and clearly indicate their opinion that neither the whole body of landholders, nor even the generality of them, are obnoxious to censure. With regard to the finance committees, their praise is general, and without exception; but, judging both from the character of those gentlemen—from the unwillingness they have to give light credence to accusations—and from various reports which I have seen, I say that, relying on those authorities, I do most assuredly believe that there have been several instances of gross abuses; and while the House is given to understand that the system generally is going on beneficially, and that the Commissioners are satisfied that starvation has been prevented, or that at least the cases of starvation are now much rarer than they used to be, I think it is only just that the House should also have information that there are instances of abuses which have been obstacles in the way of making the Act universally beneficial. But then, some more hon. Members venture to say, if there be some instances of abuse, why not institute a general inquiry? I think my right hon. Friend the Secretary of State for Ireland was fully justified in saying that such a remedy would be worse than the evil to be contended with. The hon. Member for Cockermouth, who is at the head of the Clare committee, would not surely, after the experience he has had, propose a general inquiry extending over the whole of Ireland, to ascertain who have behaved well, and have attended sedulously on committees, distinguishing them from those who have neglected their duty, exhibited apathy, and been guilty of perverting the law unworthily. I do not think that from such an inquiry any good consequences could possibly result. It would be merely productive of ill-will and ill-blood, which would occasion more general confusion, and give rise to various counter-statements, in the midst of which it would be exceedingly difficult to ascertain the truth in particular cases. [Sir D. NORREYS did not desire a general inquiry. He wished the extracts from the local reports which justified the representation of the general report, to be laid upon the Table.] If those reports were produced in each instance, there would of course be complaints from the persons whose characters were impugned. They would ask for investigations in their respective cases; and it would necessarily follow that inquiry on an extensive scale should be instituted in every instance thus quoted—a proceeding which I cannot but think would be attended with very serious inconvenience. The hon. Member for Cockermouth is aware that thirty-two days have already been consumed in investigating one single case; and it is not difficult to foretell what the consequence would be, if a number of such inquiries were to proceed simultaneously, amidst all the confusion and contention of contradictory statements. There is one part of the report, however, in respect of which the Executive Government may fairly call for explanation, namely, that which conveys the charge that certain chairmen of committees, who are justices of the peace, have connived at the malappropriation of the public funds. The general question of the conduct of landholders and tenants is one on which I think it is impossible that we should enter; but in cases where a report is made to the Commissioners affecting any magistrate, I certainly do think it would be well not to lay any report at once before the House, but to send an extract from it to the magistrate concerned, with a view to further inquiry, and ulterior proceedings in the event of his answer not being satisfactory. Such a course would, I have no doubt, be highly advisable; but I cannot bring myself to think that a general inquiry, such as has been advocated by some hon. Gentlemen, would be equally advantageous. I protest against the idea that because some of the Irish landlords have been attacked, the entire body are entitled to call for an inquiry. I cannot agree, therefore, to any proposition involving a general investigation; but I am quite content that the conduct of those who are in the service of Her Majesty should be made matter of reference on the part of the Government, and, if necessary, of further proceeding. As for the speech of the noble Lord the Member for Leitrim, I am sure it must have satisfied the House how difficult it is to apply any measure of relief, either temporary or permanent, to Ireland. We passed a law for the relief of the destitute, and the noble Lord has felt himself justified in characterizing the measure as "a scramble." Because we stated that its object was merely to afford relief to the destitute, the noble Lord is of opinion that the measure may fairly be regarded as "a scramble."

VISCOUNT CLEMENTS explained: He used the word "scramble" because there was no definition of destitution in the Act. The Commissioners themselves seemed to be quite undecided on the point; for in one circular they declared that men in the possession of land might nevertheless be regarded as destitute, whereas in another they stated that the cases of applicants who were rated above 6*l.* were simply deserving the consideration of the Committee. In the one instance they acknowledged the claim of poor persons even though they might be in possession of land, whereas in the other they merely made it a subject for consideration.

Lord J. RUSSELL: I do not think that the noble Lord has mended his case by the explanation he has given; for how was it possible for the Legislature to define by exact circumstances who are destitute and who are not? Before all boards of guardians and all parish authorities, the allegation of destitution by an applicant for relief must necessarily be matter of inquiry; and any definition of destitution restricted by the possession of a cow, a horse, a table, or a chair, must clearly be idle and futile. It appears to me that the two circulars to which the noble Lord has alluded as having been issued by the Commissioners were perfectly proper, and perfectly consistent one with the other. In the first letter they argued thus—"This is a temporary measure, and we will not make it the means of general ejectment. We will not, therefore, say, that no man having land shall be entitled to relief." In the second letter they gave instructions that inquiries should be made as to the destitution of applicants, and that if a man were rated at 6*l.*, or in possession of six acres, the fact should be regarded as a presumption that he was not destitute, and to such a one they ordered that relief should not be given unless special circumstances could be proved to show that he was absolutely in need of it. The difficulty of interpretation which the noble Lord has encountered in the Act, and his warm, though I have no doubt very honest, objection to all those Commissioners, show how difficult it is for any body of public officers to administer such a measure fairly towards all classes, or in such a manner as to give general satisfaction. All the Commissioners, Colonel Jones included, are, in my opinion, worthy of praise rather than of censure; and the opinion is one in which I believe the other Members of the Government entirely concur.

Viscount CLEMENTS explained that he had not intended to cast censure on the Commissioners. What he contended for was, that the gentlemen who acted as Commissioners had already quite enough to do in the respective departments with which they were connected, without undertaking the onerous duties which devolved upon them under the Relief Act.

Mr. GEORGE A. HAMILTON was not at all disposed to complain that the Relief Commissioners—if cases such as those which formed the subject of the discussion were brought before them—should have adverted to them in their report. The Commissioners were honourable men—they were placed in a very difficult situation—and he was sure that in noticing such acts of maladministration, they must have been discharging what they must have felt to be a most painful duty. But at the same time he had no hesitation in saying that, assuming the facts to be proved before them, it was their duty to themselves and the public not to pass them over unnoticed. But he thought they had not gone far enough—he thought it would have been a better and more manly course, and more just as regarded the gentry of Ireland and the members of relief committees, that the names of the relief committees, and even of the individuals who were guilty of such abuses, should have been mentioned in the report. Now the House could not wonder if the gentry of Ireland were sensitive on those matters. The House should recollect how frequently and how unjustly the most sweeping charges were made against the whole body of Irish gentry by some hon. Members during the present Session. If, therefore, there were a few cases, such as those mentioned in the report, it was only fair to the great body of the gentry that those cases should be distinctly named. He, for one, was therefore quite ready to support any proposition, not for a general inquiry, but for a more detailed statement of the instances in which such gross malversation had taken place.

Sir R. FERGUSON found it very difficult to reconcile the representations contained in the report of the Commissioners with a letter of Sir John Burgoyne's, dated the 29th of May, in which it was stated that there was a general anxiety on the part of the Irish gentry to save expense, and to administer the Relief Act in as exemplary a manner as possible. He certainly thought it highly desirable that the House should be put in possession of the data on which the circulars which the Commissioners had issued were founded, and that the names of those who had been guilty of discreditable proceedings should be shown up.

MR. BORTHWICK thought the names of the parties aimed at should be specified, the localities mentioned, and the acts complained of distinctly set forth. It had been his fortune to be a member of the Committee already referred to, which had sat for thirty-two days; and although it would be irrgular in him to refer to the conclusion at which it had arrived, still he might say that when the report was laid upon the Table, it would be seen that while the aristocracy and landlords of Ireland were placed in circumstances of extreme difficulty, the officers employed in carrying out the Government measures had also great difficulties to contend with and overcome. He could assure the noble Lord, that nothing could be more difficult than to express in words who were to be considered destitute, and who not. Indeed, it was impossible to give any such definition; and the gentlemen who were employed in administering the relief, must have felt the greatest difficulty in making a selection, from their ignorance of local circumstances. It was not at all uncommon to find a man in the possession of twenty acres of land in the most pitiable state of destitution; and yet it was impossible for him at the moment to give up his holding. To allow such charges as had been specified to remain, without affording the parties implicated the means of rebutting them, would be unworthy of the Government and of the House.

Subject dropped.

MINES AND COLLIERIES BILL.

On the Order of the Day having been read for the Second Reading of the Mines and Collieries Bill,

SIR GEORGE GREY expressed a hope that the hon. Gentleman who had charge of the Bill would not press it to a second reading at this advanced period of the Session. There could be no doubt but that the question with which it professed to deal was one of very great importance, namely, the prevention, as far as possible, of accidents by explosion and otherwise in mines and collieries. The matter had engaged and was still engaging the serious attention of Government, and they had under their consideration the reports of various scientific and practical men suggesting precautions. Whether those precautions would be available or not, he could not then say; but it was at least certain that they should command the most attentive consideration of the Government. The period of the Session, however, was too far advanced to render it possible that the Bill should now receive that mature deliberation which its importance required; and as many influential gentlemen connected with the mines and collieries in the north of England had left town, under the impression that the Bill would be merely presented, and not gone into that Session, he trusted that the hon. Member would not, under present circumstances, press it to a division. He should not like to vote against the second reading of the Bill, but should very much prefer that the hon. Member should permit it to stand over until next Session, when there would be ample opportunity for the discussion of its details.

MR. T. DUNCOMBE was very anxious that the Bill should be read a second time, even if it should proceed no further, for it was one in which a very large and influential body of gentlemen in this country took great interest, and one in which the welfare of the mining population was vitally involved. Many accidents, and those of the most serious character, were constantly taking place; and he was anxious that the House, by giving the Bill a second reading, should at least affirm the principle that the time had fully arrived when some interference on the part of the Legislature, to prevent the occurrence of such deplorable calamities, by means of ventilation and other measures, was imperatively called for. In very many instances the dreadful accidents which were of daily occurrence in our mines and collieries arose from neglect, and might have been prevented had a proper system of inspection and supervision been instituted on the part of the Government. In attestation of the truth of this assertion, he might refer to the statements contained in petitions which he had himself presented from persons engaged in mines and collieries, and also to the reports of the Government Commissioners themselves, who had been sent down to make inquiries respecting the origin of accidents in mines. Those statements made it quite evident that the time had come when the matter was ripe for legislative interference. The petitioners to whom he had alluded had repeatedly declared to that House their conviction that the explosions which were continually taking place, and by which so many human lives were sacrificed, might be prevented by proper care on the part of the coalowners, and by a proper system of inspection on the part of the Government. They even went so far as to assert, with reference to the accidents which were constantly occurring in the mines and collieries of Lancashire, Wales, and Staffordshire, that not more than one out of every fifty was unavoidable. It was clear, however, that the coalowners would not do anything with the view to ventilation or any other improvement, except under the pressure of Government interference. They would not use safety lamps unless the Legislature were to make it compulsory on them. Besides, it was well known that the grossest impositions were practised upon the men, by a system of making them work by measure instead of weight; and this was particularly the case in Staffordshire and Lancashire. The Acts which had been framed to supersede the payment of wages at a public-house had been evaded by putting the men in classes, and paying them by a money order, which they would only get changed at the public-house; and by each man paying a certain sum for beer, as the charge for changing the money order. He could see no reason why an adequate protection should not be afforded to the labourers in mines as well as to the labourers in factories. The mining population of this country numbered between four and five hundred thousand souls; and this being so, it could not be said that they were so numerically insignificant as to be unworthy the consideration of the Legislature. Five hundred accidents per year occurred on an average in the mines and collieries; and it was not without some feeling of remorse that that House should reflect that if proper precautions were adopted, by far the greater portion of those calamities would never have taken place. He hoped the House and the Government would allow this Bill to be read, at all events, a second time. They would disappoint a very meritorious and large portion of the population of the country if they did not consent to that proposition. He wished that by that step they would recognise the principle that legislative interference was necessary for the better regulation of mines and the better protection of the lives of persons engaged therein.

Colonel SIBTHORP regretted that the hon. Gentleman had not thought it necessary (whatever the Government might think, and whatever opposition might be given) to carry his measure through every stage. It was the duty of Government not to allow this Parliament to be dissolved without doing that which was the primary duty of all Governments—provide for the security of those whom they were sent to that House to protect. [Mr. Duncombe: I intend to persevere with the measure.] He thanked the hon. Gentleman for that declaration, and promised him his support from day to day and from night to night. He had misunderstood the hon. Gentleman, for he thought he had merely moved the second reading of the Bill with a view to establish the principle contained in it.

Mr. LIDDELL felt called upon by a sense of duty to move that the Bill be read a second time that day six months. He was not less anxious than the hon. Member for Finsbury to adopt measures that would prevent accidents in mines and collieries; but he wished that measures for that purpose should be introduced by responsible authority. This Bill of the hon. Member's was one of the most ridiculous in its provisions that it had ever been his fortune to witness; and it required no great discernment to see that the hon. Member had made the accidents that might happen in mines and collieries the peg on which to hang measures for the furtherance of other objects. The Bill provided that three inspectors should have the power of superintending the working of mines and collieries in England; to examine, inquire, and report, and to exercise a very extensive authority. Now, there were three great coal fields in England—the Northumberland and Durham, the Staffordshire and part of Yorkshire, and the Welsh coal-fields: and there were, besides, the extensive coal-fields of Scotland. If Scotland was to be taken into consideration, one of these districts would require to be a supernumerary one. He was unprovided with documents, and could not, therefore, say at that moment what was the number of mines and collieries in England; but he believed that in Northumberland and Durham alone there were between two and three hundred. Could it be expected that one gentleman could pay that attention to this district which was contemplated by the Bill? The other portions of the Bill were equally defective. He thought a Select Committee should be appointed on the subject; and, when they had heard the evidence of scientific and practical men, the Government might bring in a Bill calculated to be of real utility. He would move as an Amendment that the

Bill be read a second time that day three months.

Mr. BERNAL said, that if there was any absurdity in the Bill, as the hon. Gentleman who had just sat down had stated, it could be remedied in Committee. He did not think that the number of inspectors appointed should form the main feature in the consideration of the measure. The Bill was intended to give protection to the lives, limbs, and fortunes of those who were engaged in these mines and collieries; and he thought that an attempt to remove the causes of those accidents, which were of such frequent occurrence in these places, was deserving of their best attention. He did not, think, however, that it would be of any use in his hon. Friend to press on the Bill to a Committee this Session; but his hon. Friend had acted rightly in bringing it before the House, as it would attract public attention to the subject, and be the means of getting a measure passed with reference to these evils in a future Parliament. He would vote for the second reading.

Sir G. GREY said, the Government were fully alive to the importance of the subject; but he did not think it right that they should sanction so sweeping a measure without the most careful consideration, and the most mature reflection. He had stated distinctly that the subject was one which demanded the attention of the Government and of the Legislature; and he begged the House to suspend its decision on the Bill at present.

Mr. B. DENISON was not opposed to the principles of the Bill; but wished the hon. Member for Finsbury to adopt the suggestion of the right hon. Baronet the Home Secretary, and withdraw the Bill for the present.

Lord H. VANE concurred in that suggestion; for, by those means, time would be given for more mature consideration and more deliberate inquiry; and he believed his hon. Friend would exercise a wise discretion in adopting it.

Mr. WAKLEY said, the right hon. Gentleman the Home Secretary had sanctioned the principle of the Bill; and surely he would vote as he had spoken? If some of the provisions were so objectionable, let those be struck out, and let the rest of the Bill be passed. He had always observed, that whenever a question was brought before the House affecting the interests of the working classes, it was staved off as long as it could be. Somebody, somewhere, would some day do something; but that somebody never was found, the time never arrived, and the something never was done. Why, if a noble Lord had been blown out of a coal mine, there would have been legislation on the subject the very next day the Parliament was assembled. It was notorious that these accidents happened from the grossest negligence—all that was required to prevent them was efficient ventilation. Was there anything unreasonable in asking that it might be provided for? When they looked back upon the awful calamities which occurred in the coal mines last year, ought they to hesitate in adopting the course which the principles of humanity dictated? They were told there was not time in the present Session. What were they there for? Was there any absolute necessity for the Session to close on a particular day? Considering the number of petitions that had been presented on this subject, he thought his hon. Friend had only performed a public duty in bringing it forward, and that he was bound to persevere with it.

Mr. NEWDEGATE thought the subject was too important to be disposed of at the close of the Session, when there was not time to discuss it properly; and he concurred with the right hon. Baronet the Home Secretary in the propriety of withdrawing it for the present.

Mr. AGLIONBY observed, that although his name appeared at the back of the Bill, he was not responsible for its errors; neither could he lay claims to the very many excellent provisions which it contained. He was inclined to view the present question in a practical manner, and not in the shape of a political triumph; and, as the principle of the Bill was universally admitted to be a good one, he did not think his hon. Friend could gain anything by pressing it to a division. He recommended the hon. Gentleman to take example by the course which his hon. Colleague had adopted with reference to another measure, and withdraw the Bill at present, in order to afford the Government an opportunity of considering the subject.

Mr. P. HOWARD also conceived that the hon. Member for Finsbury was entitled to the gratitude of his country for bringing forward that measure, one result of which, he trusted, would be that the owners of collieries would put, if not their houses, at least their mines in order. He was glad to see that those interested in mines assented to the leading principle of the Bill, so far as regarded the inspection; and hoped the Government would take up a measure which concerned so large a portion of the loyal subjects of the Queen.

MR. FORSTER observed, that nineteen out of twenty accidents that occurred were imputable to the carelessness of the men themselves, and did not arise from any causes which it was in the power of the coalowners to remove. He had looked over the Bill, and did not perceive a single clause directed against the notorious carelessness of persons employed in mines and collieries. It should be remembered, that when accidents occurred, they often occasioned the owners of mines losses that amounted to several thousand pounds. Surely such losses must produce more effect upon their minds than any 100*l.* penalties that a Bill of that kind might inflict. In his opinion, there ought to be no legislation on this subject without the report of a Committee.

MR. BERNAL OSBORNE said, that if the right hon. Baronet opposite would give a pledge that the Government themselves would proceed with some such measure, he ventured to hope that his hon. Friend the Member for Finsbury might for the present be induced to drop his Bill. As to what had been said about the necessity of previous investigation by a Committee, that was perfectly absurd. When ninety-seven persons were well known to have been blown up at once, where was the necessity for a Committee?

SIR G. GREY could not give any distinct pledge upon the subject. He could undertake to say that the serious consideration of the Government should be given to it during the recess.

MR. T. DUNCOMBE said, that what he complained of, and what almost induced him to persevere in taking the sense of the House on the second reading, was the manner in which it had been met by Gentlemen representing coalowners. Much difficulty had at times been found in dealing with cotton lords regarding employment in factories; but he was not sure that the difficulty was not greater in dealing with coal kings or kings' coal, old and young. He hoped that in the approaching Session, Parliament would not refuse to legislate upon this important subject, and that some protection would be given to those engaged in the arduous and dangerous duty of raising coals. He was quite willing to leave the matter in the hands of the right hon. Baronet; and on the present occasion would not give the House the trouble of dividing.

Bill withdrawn.

LUNATICS' BILL.

MR. T. DUNCOMBE moved the Second Reading of the Lunatics' Bill.

SIR G. GREY could not agree to the principle of this Bill however it might be modified. It placed lunatics under the superintendence of the bishops and clergy; and he did not think that they had any peculiar qualifications for the duty.

MR. T. DUNCOMBE considered this objection extraordinary, especially coming from a Government which was about to appoint four new bishops, who could hardly be better employed than in looking into the abuses of lunatic asylums. A power was given by the Bill to the bishops only when the magistrates neglected their duty. His principal object was to give liberty to individuals unjustly confined on charges of insanity, and the Commissioners had reported that such cases were not unfrequent. He was afraid, under the circumstances, that it was hopeless now to persevere; but he should keep his eye upon the subject, and reserve himself for a more favourable moment in another Session.

Mr. WAKLEY applauded the discretion of his hon. Colleague in withdrawing such an extraordinary measure. He wondered where his hon. Friend got it, or who had advised that lunatics should be placed under the care of the bishops and clergy. Such a course would be as disagreeable to the bishops as it would be unfortunate for the patients. It seemed to him that in cases of religious lunacy, and they were most frequent, there could not be a more dangerous or unwelcome visitor than a clergyman. He admitted that some change of the law was still wanted; and one regulation he strongly recommended was, that laymen should not have the power to interfere with lunatic asylums—the entire inspection and management of them ought to be in the hand of medical practitioners. He agreed with those who thought that, on principle, private lunatic asylums were objectionable. He should like to see them completely abolished, and a more open system adopted for the cure, comfort, and security of patients. Whatever might be done hereafter, he hoped that the present Bill would never be reintroduced, since it was not, in any respect, calculated to accomplish the end in view.

THE WELLINGTON STATUE.

Lord GEORGE BENTINCK said: I wish to ask a question of the noble Lord on a subject of great interest to every man in the country—I mean the Wellington memorial. I wish to know whether the noble Lord and the rest of Her Majesty's Ministers have not the strongest reason for knowing that the removal of the statue from the arch at Hyde Park Corner, and the retraction of the permission which Her Majesty had graciously been pleased to give for its being placed there, would be in the highest degree offensive, if not an indignity to the illustrious Person whose immortal military deeds it was intended to commemorate.

Lord JOHN RUSSELL: I certainly received some information on this subject from a gentleman who called upon me in Downing Street. He informed me that the Duke of Wellington had expressed by letter an opinion that the removal of the statue would be considered by others as being injurious to his reputation, or words somewhat to that effect. This letter was written a long time ago; I believe in the month of February. Since that time Her Majesty had been graciously pleased to order not only that a more fitting pedestal should be erected for the statue, if the House would give funds for that purpose; also, if the Houso would grant a vote of money, it was intended to ornament it with military trophies, as was formerly the case with triumphant arches, in commemoration of the deeds of the Duke of Wellington. Under these circumstances, it could not be supposed that the Duke of Wellington could any longer entertain such feelings on the matter as had been alluded to.

Lord GEORGE BENTINCK: I wish to know from the noble Lord whether he has not seen under the handwriting of the illustrious Person, since the notice on the subject had been given to the House, a paper conveying the information to which I have before referred. Although I know the letter was written at an early period of the Session, I have reason to believe the feeling remains unchanged on the part of the illustrious Duke.

Lord J. RUSSELL: Since the intimation for a new pedestal for the statue has been given by my noble Friend the First Commissioner of Woods and Forests, I have received no information as to the feeling of the Duke of Wellington on the subject; and in fact, I do not believe the feeling of the noble Duke is such as the noble Lord has stated. It is, however, in the power of any one to ask the Duke of Wellington what his feeling is on the subject. I believe the Duke of Wellington will be fully satisfied with what Her Majesty and the Parliament shall think most fitting to be done in honour of the illustrious hero.

Mr. WAKLEY: Since I necessarily mix much in public, I think I know what the public feeling is with regard to this statue. I believe the public feeling to be that the statue should remain where it is. From what I have heard, I have no doubt on the subject; and I believe the feeling is almost universal in the way which I describe. Such, I am satisfied, is the case, although I know the position of the statue is offensive to some. But if it be true that the Duke of Wellington, in honour of whom this statue has been erected, entertains objections against the removal of the statue, nothing could be more offensive to the public feeling than for the Government to ask for a sum of money to defray the charge of its removal. To let it remain where it is, if such feeling exists on the part of the illustrious Person in whose honour it is intended, must, I should have thought, have been conclusive in the minds of all parties. I am sure, in what I have said, I have only expressed the feelings of all classes of the community.

Mr. HUME entirely concurred in what had fallen from his hon. Friend. He was formerly against placing the statue on the arch; but after what had taken place, and as it was now there, he hoped it would long remain there. He believed there was a strong opinion out of doors against its removal.

Mr. NEWDEGATE hoped, after the expression of feeling on the part of the two hon. Members who were not associated in political feeling with his Grace, that the suggestion of the noble Lord would not be adopted, and that his Grace would not be questioned on the subject. Such was the feeling of loyalty on the part of that illustrious man, that he was sure no wish of Her Majesty would be objected to by him, however repulsive to his own feelings. The feeling of every class of society was most strong that this statue should not be removed.

House adjourned at Six o'clock.

HOUSE OF LORDS,

Thursday, July 1, 1847.

Minutes.] Public Bills.—1ª Militia Ballots Suspension; Ecclesiastical Jurisdiction Amendment.

2ª Trustees Relief.
3ª and passed:—Juvenile Offenders; Baths and Washhouses.
PETITIONS PRESENTED. By the Duke of Buccleuch, from Glasgow, and several other places, for the Enactment of Sanitary Regulations.—By Lord Stanley, from Members of the "Alleged Lunatics' Friend Society," for Alteration of the Law respecting Lunatics. From Ministers and Members of the Presbyterian Congregation of Myroe, against Sunday Travelling on Railways.

TRADE WITH THE COLONIES— DIFFERENTIAL DUTIES.

LORD ASHBURTON said, he had given notice of a Motion for the production of all communications between the Government and the Governors of Colonies respecting the Differential Duties by which their productions were protected; but there was no necessity for arguing in support of his Motion, because the noble Earl (Earl Grey) had already conceded it, and the papers had been ordered; but as the period when those papers would be laid upon the Table would probably be near the close of the Session, when their Lordships would be still more occupied than now, he preferred taking this opportunity of making a few observations in reference to the Motion which stood in his name on the Paper. He was not going to enter into any lengthened debate upon a question which had occupied so much of the attention of Parliament last year; he would not occupy their Lordships with any arguments touching the principles of what was called "free trade," nor dwell upon the propriety of giving protection to native industry: at the same time he would not shrink from avowing that the opinions which he last year expressed upon this subject were unchanged and unaltered, and that the lapse of time and the results of experience had only convinced him that in embracing those free-trade principles the Legislature of this country had made a false step—had taken a course which in his view would be prejudicial to the best interests of this country. However, as he had already said, these were questions upon which he did not mean at present to enter at any length, but only as regarded the subject-matter of his Motion—he alluded to our commerce with the several Colonies which owed allegiance to the British Crown. When those free-trade questions were agitated in Parliament, another question very naturally arose, namely, what was to become of our commerce with the Colonies? It was maintained, and he thought with great propriety, that although some of our colonial possessions—such as Malta and Gibraltar—might be chiefly useful as naval and military stations, yet the main utility of the greater portions of our Colonies was that they formed the best market for the manufactures of the mother country; that they formed the most advantageous object of our commerce; and that we, upon the other hand, by a preference for their produce, encouraged, stimulated, and advanced their interests and resources. It was further alleged, and to his mind with great force, that the moment we came to the decision to forbid not merely an exclusive preference for British goods in the Colonies, but even some preference, that then the strongest ground for retaining our colonial empire was abandoned. It was, however, maintained that, having come to the determination of admitting duty free into this country the produce of all other countries, as there was no protection left for our industry, we could no longer retain a differential duty in favour of our colonial produce, nor in favour of our own in the Colonies. These views were new—they were contrary to what experience justified; it was not under them that our colonial empire had risen, nor by those principles that the mother country had attained her present position. Our history showed that in earlier days the commercial communication between the Colonies and the mother country was almost exclusive, and that, although relaxations had taken place, yet that up to the present time it had always been judged wise and politic to preserve a differential duty in favour of the produce of the mother country and of our Colonies. In the North American Colonies a differential duty of seven per cent had been fixed upon; but that Act had been done away with by that passed last Session, which gave the Colonial Legislatures the absolute power of doing away with all distinctive duties whatever, so that the produce of Germany, France, and the United States would be upon equal terms with that of the mother country. Under these circumstances the query which he had already mentioned would again and again be put, viz., of what use were our colonial possessions at all? Would the advantages accruing from them, under a system of perfect free trade, compensate for the expense, the risk of war, and the various other dangers and inconveniences inseparable from their maintenance? He had been led to make these remarks by reading the address of the Governor General of Canada to the Legislature of the Colony, which came among the latest accounts from that part of the world. There was the following passage in Lord Elgin's speech :—

> "By a statute passed during the last Session of the Imperial Parliament, the Colonial Legislatures are empowered to repeal differential duties heretofore imposed in the Colonies in favour of British produce. It is probable that, by exercising this power, you may be enabled to benefit the consumer without injury to the revenue. I commend the subject to your consideration, and I shall lay before you certain communications relating to it which I have received from Her Majesty's Secretary of State for the Colonies, and from the Lieutenant Governor of Nova Scotia and New Brunswick."

He had not the least doubt but Lord Elgin acted in strict accordance with his instructions from the noble Earl at the head of the Colonial Department, and that that noble Lord felt it to be his duty to do away with all kind of preference for British goods. It was not merely left to the Colonies to abolish the present system, but they were evidently stimulated to do so. It was the first time, he thought, in our colonial history that the Colonies were not only permitted but encouraged to take the goods of foreign countries upon the same terms as those of the mother country. And he must say that he thought the time for doing so anything but propitious. The manufacturing interests in this country were in a state of the greatest depression; they were already struggling with great difficulties from competition with foreign manufactures; and their goods hung heavy upon their hands. When the reduction in the differential duties was made, in 1845, by Mr. Gladstone, the manufacturing interest was in a state of great alarm, and strong and earnest appeals were made against the reduction of the differential duties then existing in favour of their goods in the colonial markets. But were the manufacturers aware of what was now passing? In a short time they would be treated in the same way in the Colonies as they were in the markets of countries with which we had no connexion. Their Lordships knew how closely the New England States bordered upon the Canadas; and the evidence of Mr. Gregg himself went to show that in the Chinese, as well as in other markets in which British and American goods came into competition, the latter not only stood that competition, but actually beat ours out of the market. If, then, in the foreign market the Americans beat us, with what disadvantage would we not contend with them in a market which was much nearer to them than to us—in a market which was, so to speak, at their own doors? Railroads and every other species of cheap and rapid communication, were in progress, and the New England States and New Brunswick bordered; yet it was with these disadvantages on our part that we were now throwing our colonial market open. This might be "free trade;" but he scarcely thought it was common sense. It was certainly pushing those abstract principles and fine theories a very long way—to an inconceivable extent. It was what many would term "Free Trade run mad;" and, for his part, he could not see what it was that induced the noble Lord the Secretary for the Colonies to sanction such a step. It was a most serious matter, and one to which he invited the attention of their Lordships and the country. It was all very well to make experiments when those experiments were not attended with danger, and when, if they were not found to answer, the original state of things could be restored. But such a step as this could hardly be retraced. It was not the mere making of an Act of Parliament which might be repealed if found mischievous—it was not like, for instance, the Bank Charter Act, or any other temporary Act; but it was the establishment of a new system. They could not possibly recall the Act with respect to the Colonies. He really hoped that when the matter came to be explained, he would hear the views of the Government not merely upon the effect of this measure, but as to the utility or advantage of our colonial possessions—what particular benefit we derived from them as a recompense for the risk, danger, and expense incurred by their maintenance. As he had already said, he would not go into the whole question of free trade, which was much too large and important to be hastily passed over; but he could not allow the present opportunity to pass without calling the attention of their Lordships and the Government and the public to what was likely to accrue from our policy towards the Colonies, and to remind them of the unfavourable position in which we now were for so great a change. The noble Lord concluded by moving—

> "For Copies or Extracts of all Communications between the Secretary of State for the Department of the Colonies and the Governors of those Colonies; and also, of all Communications between the Governors and the Legislative Bodies of such Colonies, relating to any Alteration or Diminution of those Differential Duties by which the Produce of the Industry of this Country is benefited or protected."

Earl GREY said, he could have no possible objection to the production of those papers; and agreed with his noble Friend that it was highly desirable the attention of the House and of the public should be directed to this subject. With reference to the remarks of his noble Friend, it was not necessary for him to say more than a few words; for, as he justly remarked, the real question at issue was one far too large and important to be discussed upon the present occasion. Upon that question there was a difference of opinion between himself and his noble Friend, which he thought there was very little chance of his ever seeing altered. He would, therefore, confine himself to the measure of last year, by which it was enacted that the great staple productions of some of our principal Colonies, such as cotton, corn, and sugar of the West Indies, should have no protection; and that after a certain period they should compete with foreign produce in the markets of this country. When that measure passed, it was felt by every man that the necessary and the inevitable consequence was, that the Colonies should have the advantage of that principle also; and that if we gave no protection to their produce by a duty on foreign articles, our manufactures, on the same principle, were not to enjoy a differential duty in the colonial market. This, he repeated, was understood and acknowledged by every one as the necessary consequence of that measure. And the only reason for deferring the operation of that Act, was not because of any doubt as to the repeal of the differential duties, but simply because if they proceeded at once, by the authority of Parliament, to repeal those differential duties, making no other provision for supplying the deficiency in the colonial revenue, considerable inconvenience would occur. The power was therefore intrusted to the Colonial Legislatures, and the Colonies had the opportunity afforded them of making such financial arrangements as they thought proper before the repeal of those differential duties would take place. It was quite true that the Governor General of Canada had called the attention of the Legislature there to this subject, and that he recommended the repeal of the differential duties as calculated to relieve the consumer, and at the same time not to injure the manufacturers. The Governor General in so doing had acted strictly in accordance with the directions he had received. His noble Friend said, all this was highly dangerous, and that they had been acting under an erroneous policy; and he referred to the condition of the manufacturing districts, in order to show that that course was impolitic. He could only say upon that point, that if ever two years' experience was conclusive in favour of any legislative measure, that of the last two years was so as regarded the soundness and propriety of that great commercial change which had been introduced. His firm conviction was, that but for those measures to which his noble Friend had adverted, the distress which would now exist in the manufacturing districts would be awful indeed. It was impossible to foresee, and difficult to provide, against such a calamity as that which it had pleased Divine Providence to visit on the United Kingdom, by the destruction of so large a quantity of produce; the quantity of capital that had been invested in those gigantic railway undertakings had likewise produced much embarrassment; but he thought that those difficulties would have been greatly aggravated if the old system had continued in operation. But his conviction was, that, were it not for the wise measures of the last Session, the distress which we were now suffering would be much greater. With those few observations, he could only say that he entirely concurred in the propriety of the Motion.

After a few words from Lord WHARNCLIFFE,

Lord STANLEY observed, that in his opinion nothing could have a greater tendency to weaken the attachment of our Colonies to the mother country, than the manifestation of an indifference whether we dealt with them or with America, Brazil, or any other country. Nothing, he believed, would tend more to keep up a feeling of attachment and dependence on the part of our Colonies, than for this country to say to them, "We are your natural customers; the connexion between us never can be interrupted; it is the policy of the Legislature and of the Government to maintain that connexion; and by upholding it, they will at once benefit the Colonies, and increase the power of the mother country." He must say, he thought there was great danger lest, by placing the commercial relationship between this country and her Colonies on the same footing as the relationship between this country and Foreign States, they might not only diminish the amount of commerce which had hitherto been carried on between the mother country and her

Colonies, but they might weaken that feeling of attachment which ought to subsist, and which he hoped would subsist, between them. He believed that no long time would elapse before British manufacturers would find that the recent legislative measures with reference to the Colonies had worked most prejudicially and injuriously to their interests, by converting into neutral markets what were formerly protected markets; and he considered it was an unfortunate circumstance that the Government, not satisfied with leaving the Colonies to take their own course, had felt it their duty to incite the Colonial Legislatures to take steps for the removal of the existing differential duties.

After a few words in explanation from LORD ASHBURTON,

Returns ordered.

TRUSTEES RELIEF BILL.

The LORD CHANCELLOR, in moving the Second Reading of this Bill, said that he was under the necessity of asking their Lordships' attention for a few minutes to a proposition of great importance. It was well known to their Lordships that the Court of Chancery not only acted as a court in matters of disputed right between parties, but it was also extensively employed as the depository of property, and the means of securing property which otherwise might run some peril in the hands of trustees. Properties in the hands of trustees under marriage settlements, wills, or otherwise, were necessarily subject to this dominion. Much inconvenience had arisen in cases where sufficient care had not been taken to provide for the renewal of trustees; for instance, where a certain number of trustees were appointed in the first instance, and many years must elapse before these trusts expired. These trustees might die one by one, until perhaps one might be left; and if no steps were taken to renew the trust, and the surviving trustee died, the property came under the absolute control of the representative of the surviving trustee, who might be a person in whom the parties had no confidence, and who might have the control of money to a very large amount. This led to the necessity in many cases of taking the property out of the hands of these trustees, and depositing it in a place where it was perfectly secure—where it was sure of being forthcoming, whatever accidents might happen, for the benefit of those who were interested. An order was made for the payment, but unfortunately it was attended, according to the present practice of the Court of Chancery, with considerable expense, particularly in the case of small sums; for there was no distinction made in the practice of the Court of Chancery between a suit between parties, and suits which were instituted merely for the purpose of securing property in the Court of Chancery—all the expense which was incurred in order to get the money transferred into the Bank in the name of the Attorney General was entirely thrown away. This was a great grievance. In some cases a remedy had been applied, for it was provided in Sir Samuel Romilly's Act, that in cases of mere charity the Court should have the power of administering the charity, without instituting a suit. Some unfortunate decision took place soon after that Act passed, and it was then thought that money in the hands of trustees belonging to infants should be secured without a suit; and another Act passed tending to increase the facilities which had been already afforded. Lately the Court of Chancery had been made, to a very great extent, the depository of monies contributed for the purpose of future speculations in railways. Last year, the money amounted to several millions—this year it had been very much less, but still it amounted to a very considerable sum. What he was now asking their Lordships to carry out was not a new principle; it had been sanctioned for many years, and in all cases to which the remedy had been applied, it had been found to be beneficial. Having thus explained the expense incurred in a suit, where the sole object was to get money transferred from trustees to the Accountant General, he had to state, that it was now proposed by this Bill that all trustees should be at liberty, without a suit, to pay money into the Bank of England to the account of the Accountant General. Some persons would be entitled to the interest, and an order might be obtained from the Accountant General to pay the dividends to the individual so entitled, by which means all chance of the money being misapplied on the death of the trustees would be entirely removed; and during the lives of the trustees the money would be forthcoming. He had ascertained this day the amount of the property now standing in the name of the Accountant General, and found that it was 51,833,000*l.* The great part of this was money about which there was no dispute. There could not be a greater test of the value of that department of the Court of Chancery, which acted as the depository of property. In the cases of charity funds, when the trustees became by death or otherwise unable to perform their trust, and care was not taken by those administering the funds to ascertain who were the new trustees, those who had the management of them were to be at liberty to pay the money into the Bank. He also proposed that the treasurer of the county court should be made a corporation for the purpose merely of being the depository in some cases of the legal estate. He would be a public officer not interfering with the charities, and would afford security, and be the means of saving expense. The judge should vest the legal estate in the treasurer of the county court. He trusted that these propositions would meet with their Lordships' assent, and moved the second reading of the Bill.

After a few words from Lord Ashburton and Lord Monteagle, Bill read 2^a.

House adjourned.

HOUSE OF COMMONS,

Thursday, July 1, 1847.

Minutes.] Public Bills.—1° Copyright (Colonies).

2° Recovery of Public Monies (Ireland); Drainage of Lands (Ireland); Mussel Fisheries (Scotland).

Reported.—Turnpike Roads (South Wales); Holyhead Harbour.

3° and passed:—Canada Consolidated Revenue Fund; Print Works; House of Commons Costs' Taxation.

Petitions Presented. By Sir John Hanmer, from Kingston-upon-Hull, for Alteration of the Law respecting Registration of Voters.—By Mr. Wakley, from Glasgow, for Abolition of Arrestment of Wages (Scotland).—By Mr. P. Miles, from William Henry Brice, and Richard Frederick Brice, for Inquiry.—By Mr. Wakley, from Samuel Porter, Harrow Weald (Middlesex), for Inquiry respecting the Electric Telegraph.—By Mr. Blackburne, from Warrington, for Regulating the Fustian Cutting Trade.—By Mr. P. Miles, from Joseph de Souzac, and William Brice, both of Guernsey, for Inquiry.—By several hon. Members, from various places, in favour of the Health of Towns Bill.—By several hon. Members, from various places, for Alteration of Health of Towns Bill.—By Mr. E. Buller, from James Eaton, 22, Lamb Street, Spital Fields, for Inquiry into the Case of John Meakings.—By several hon. Members, from various places, against Repeal of the Navigation Laws.—By Mr. Wakley, from John Sweatman, Margate, Complaining of Poor Law Guardians.—By Mr. Wakley, from G. L. Hutchinson, for Alteration of the Poor Laws Administration Bill.—By Mr. Wakley, from Philip Ward, Private of the 66th Regiment, for Inquiry into his Case.

CHANNEL ISLANDS.

Mr. NEWDEGATE observed, that statements having been made of great irregularities in the administration of the criminal law in the Channel Islands, a Commission had been appointed to inquire into the subject. He wished to be informed whether the Commissioners had made their report—when it would be laid on the Table—and whether Government was prepared to follow it up by any effective measures of reform. He was also desirous of being informed when the promised Commission on the civil law of the Islands would be appointed?

Sir G. GREY said, that the Commissioners on the criminal law of the Channel Islands had completed their inquiry, but had not yet sent in their report. As soon as it was sent in, it would be laid on the Table. Until it had been examined, he could not state what measures founded upon it could be introduced. As to an inquiry into the civil law of the same Islands, he had before said that it was expedient that the inquiry into the criminal law should first be completed; and whether it would be postponed for another year he could not state—probably not.

EXPLOSIONS IN COAL MINES.

Mr. T. DUNCOMBE begged to call the attention of the right hon. Baronet (Sir G. Grey) to a matter requiring his prompt interference. An express had arrived this afternoon, announcing a calamitous explosion in the Curteis Colliery, two miles from Wigan. It took place on Tuesday afternoon, and not—as had been represented yesterday, when it was said to be always the fault of the men—in consequence of any want of care on the part of the miners. In fact, they had represented for some days that the pit was unsafe; and on the very day of the explosion they had required one of the managers to go up and state that the pit was not safe. He refused; and a few hours afterwards the calamity happened. Seven or eight men had been brought up, two of whom died immediately; and of nearly all the rest the lives were despaired. The worst part of the case was, that six men were known to have been left in the pit, and a representation had been made to the proprietor of the pit to let persons go down if possible to rescue their lives: the proprietor positively refused, but sent down a couple of his own men, who made a sort of mysterious visit, but gave no information. Two men well known for their skill and experience, named Bellot and Price, volunteered to descend, in the hope of saving their fellow creatures; but the coalowner positively refused to allow them? What was the fair inference? That he was afraid these men would give honest testimony before the coroner. It would be premature to anticipate what the verdict might be; but the excitement in Wigan and its neighbourhood in consequence of the suspense regarding the lives of the six missing, perhaps dead or starving, men could easily be understood. Their bodies were still in the pit, and it was imperatively necessary that steps should be immediately taken; he hoped, therefore, that the right hon. Secretary for the Home Department would send down commissioners to make instant inquiries, especially regarding the case of the six men who at this moment might be enduring a lingering death.

Sir G. GREY was not acquainted with any of the facts of the case, and if any short statement of it had been published, it had not come to his knowledge, at least officially. As death had unhappily occurred, an inquiry must necessarily take place before the coroner's jury; and he hoped that the conduct of the coalowner would turn out to have been not what it had been represented. Pending the investigation, it would be improper to express any opinion; but on two former occasions since he had been in office, persons of practical experience had been sent down to watch the proceedings on the inquest. He would inquire into the circumstances; and if they justified a similar course, he should not hesitate to follow it, in order to ascertain the real cause of the calamity.

Mr. T. DUNCOMBE added, that it was not to be tolerated that six bodies should remain in the pit, while it was doubtful whether the men might not be living and might not be saved. The proprietor seemed to fear the evidence that would be given, which made it the more necessary thoroughly to investigate the matter. If an accident had happened on a railway by which life had been lost, commissioners would have been sent down the very same night.

Sir G. GREY observed, that such investigations ought not necessarily to devolve upon Government: the magistrates and local authorities ought not to be exempted from the duty. To them inquiry belonged in the first instance, although Government would take care to do what was necessary.

CHELSEA PENSIONERS.

Sir De LACY EVANS asked the Secretary at War what decision had been come to respecting the restoration of their pensions to the commuted pensioners, so many of whose petitions had been laid before the House at different times during the Session; and respecting the arrears claimed by the petitioners, consisting of the amount they would have received had the warrant of 1834, authorizing the restoration of these pensions, been made known to them.

Mr. FOX MAULE replied that the matter stood thus: In 1832 pensioners who wished to emigrate to America were told that they might commute their pensions at four years' purchase. The bargain was certainly improvident; but the pensioners did not make it without being fully aware of the nature of the contract. The effect was, that not being used to the possession of so much money, they spent it incautiously in the colonies, and the result was that many of them became destitute mendicants; and Lord Durham had noticed the fact in one of his reports. To some of these, what had been called compensation had been given; 4*d.* or 3½*d.* per day had been paid out of the colonial chest, and guaranteed by the Treasury at home, to pensioners who were positively starving. Some had been replaced on the pension list as soon as their pensions had accumulated to the amount of half the sum paid to them. The parties on behalf of whom the hon. and gallant Member spoke, had commuted for their pensions fifteen years ago, and they went with the money to British America for purposes of their own; they subsequently left the colony, and now they applied for their arrears and to be replaced upon the pension list. The whole question had been discussed in detail, as he found by records in the Treasury, in 1845; and a Treasury Minute had been drawn up which was founded upon a right principle. He did not think it would be safe for Government to establish the principle that men who had commuted should at a remote period claim not only restoration but their arrears.

HEALTH OF TOWNS.

On the question that the Speaker leave the Chair to go into Committee on the Health of Towns Bill,

Mr. G. PALMER hoped that the Speaker would not leave the chair for the purpose of enabling the House to enter on the detailed consideration of a clause so unconstitutional as the 18th, and which he found it was the intention of the noble

Lord to retain. The clause in question gave power to an individual to abrogate an Act of Parliament, passed with the sanction of the Crown, by which it had been intended to secure the companies certain powers and rights, in consideration of benefits conferred upon the public. He thought the House would agree with him that to the principle involved in the clause it was impossible for them to give their consent. He begged to move, as an Amendment, that the House resolve itself into a Committee that day three months.

COLONEL SIBTHORP entertained the very gravest objections to this Bill. If passed, it would confer a very dangerous power upon Government, and would most unwarrantably interfere with private and corporate rights. The measure was not to take effect within ten miles from St. Paul's; he wished to know the reason of this exclusion. The Lord Mayor of London, he was aware, was a very important man; and the representatives of London, the noble Lord at the head of the Government being one of them, had no doubt a very great respect for the Lord Mayor of London. He hoped the noble Lord would be returned again; a man, however, might put out a bait, and not always catch his fish. He might try often, and now and then have a nibble, but he did not always pull ashore, and have what was called a caption. He saw near him the worthy Lord Mayor of York (Mr. Hudson). Was he not as worthy as the Lord Mayor of London? York was not less clean than London; York, in fact, as he knew, was the cleanest of cities; and why, if York was included, should London be excluded? Originally there had been no exception; and why had the noble Lord, who generally had good reason for what he did, consented to this change? Let the true reason be stated. There were sixteen metropolitan members; a formidable number to support a Government, a Government not particularly strong at this moment, and very probably the arguments of those sixteen Gentlemen had had great weight with the noble Lord. He had no fault to find with Lincoln; the people of that city were as clean as the Lord Mayor and Common Councilmen of London, and they were quite as worthy of favour as the corporation of London, though perhaps they never asked the noble Lord and his Colleagues to dinner at the Mansion-house. And why should a Commissioner be sent down to Lincoln, to overawe and overlook the people there? He detested the rapid strides of Government power. It was easily kept up, difficult to be put down. He had too good an opinion of the corporate bodies of England to think such a Bill necessary to show them their duty. He would not throw such an insult in their faces. Believing that he was consulting the best interests of the city he had the honour to represent, he would join his hon. Friend (Mr. G. Palmer) and vote against the Speaker leaving the chair.

MR. W. BROWN considered this Bill as one of the most important of the Session; and for the sake of the interests of the town with which he was so closely connected, he thought it his duty to give it all the support in his power. They were all aware that the calamity which had occurred in Ireland, had been the means of bringing over immense numbers of unfortunate individuals to this country; and that Liverpool especially had suffered by this kind of immigration. In that town alone, not fewer than 70,000 poor and destitute persons, chiefly from Ireland, were to be found; and there were from 6,000 to 7,000 cases of fever in the hospitals. In Liverpool, therefore, they strongly felt the want of proper sanitary regulations. A medical gentleman had informed him that in that town 160*l.* was expended last week in coffins alone for the use of the poor. These facts showed the necessity for some such Bill as the present; and he would, therefore, give it his support.

MR. MACKINNON believed there was a great deal of misapprehension in the country as to the principle of this Bill, and he begged to say a few words with regard to the machinery of it, of which he generally approved. It had been stated as an argument against the Bill, that so many of the town commissioners were to be appointed by the Crown, and this was to be opposed as too great a centralization of power. The clause bearing upon this point, however, only gave Her Majesty the power of appointing as town commissioners those individuals who had been selected by the ratepayers; consequently the whole objection that had been made to the Bill as centralising in its machinery, fell at once to the ground. The individuals thus appointed would compose a commission similar to the Poor Law or any other commission now existing. He thought the noble Lord at the head of the Government had been treated in an unbecoming manner by hon. Gentlemen in reference to the alterations which had been made in this Bill. What was the state of the case? In consequence of the violent opposition which had been made to it by the city of London, that city and the metropolitan districts had been withdrawn. He had no doubt that if the noble Lord had it in his power to include London, he would; but, finding it impossible, he had not pressed it; and he certainly thought that, on this point, some of his hon. Friends on his side of the House had not done justice to the noble Lord. There was one part of the Bill he should like to see altered; he meant that part by which the surveyors would be superseded by the town commissioners. This would be an unnecessary interference with the local authorities, and he thought that if it was omitted it would facilitate the passing of the Bill. There were one or two other points which he might wish to see altered; but, on the whole, the Bill should have his support.

Mr. SPOONER objected to the Bill on the ground of the centralizing power which it created. This system was too much acted upon, and, if continued, they would, ere long, have nothing but commissions to rule and regulate the whole affairs of the country. What he particularly rose to object to, however, was the principle laid down by the hon. Member for South Lancashire, that a Bill of this kind should be made to meet a temporary evil, such as that which now afflicted Liverpool. If there was a special case of distress, let a measure be brought in to meet it, but do not legislate for the entire country on a particular case. He maintained that this would prove a most expensive measure, as there was no limit put to the appointment of inspectors, nor to the amount of salaries to be given, while the powers to be committed to the inspectors were of a most inquisitorial character. He was as friendly as any man to the improvement of towns; but he thought this was a matter which should not be intrusted to commissions, but taken up by the Secretary of State himself, in connexion with the local authorities. He objected to the exclusion of London from the Bill, if it was really a beneficial measure; and if it was not beneficial, he protested against the rest of the country being subjected to it. Including London, and the country for ten miles round, and the two universities, which were excluded, there were twenty-four Members of that House whose constituents were not to be placed under this Bill. Considering the unconstitutional nature of the measure, its expensiveness, and the amount of patronage it conferred upon the Government, he was determined to give it his most determined opposition.

Mr. NEWDEGATE rose simply to ask why the noble Lord the First Commissioner of Woods and Forests, after excluding London and a district of four miles round, had now extended that district to ten miles? The exception of the metropolis was certainly the most singular that could be conceived; for, both through the public journals, and through the information given by benevolent individuals, they had been taught to believe that no part of the empire more required to be placed under regulations for sanitary purposes than did the city of London. He certainly could not give his sanction to the measure. Upon every ground connected with the machinery of the Bill, he deemed it his duty to oppose it.

Mr. HUDSON, who was opposed by cries of "Divide!" said he had the advantage of hon. Members, for having dined he was not in such a hurry to go away. Before he proceeded to make an observation or two upon the Bill under consideration, he wished to ask the chairman whether he thought it was fair to the House and the public to introduce such a number of new clauses into that Bill? He should like also to know why the noble Lord the Chief Commissioner of Woods and Forests thought fit to exclude a circuit of ten miles round St. Paul's from the operation of the measure? The powers taken by the Bill he conceived to be monstrous; and he was opposed to any measure which invested the Crown with the right of interfering with the rating to such an unlimited extent. The Bill had reference to the chief towns in the country; but not to others unless they applied for it. Now, it was his opinion that there was public spirit, independence, and intelligence sufficient in the local authorities of the great corporate towns to carry out all the objects of the proposed Bill without legislative interference; and they did not want a Commissioner to be sent down from London to help them to make whatever improvements might be necessary in their respective districts. He also thought the machinery of the Bill was of a most expensive, vexatious, and annoying character; and, indeed, generally to his mind, the Bill was full of the greatest possible objections. It appeared to him also that it would create great confusion, as well as dissatisfaction in the public mind, that a system of legislation should be applied to the great towns in the country, from which the metropolis was excluded. Why should there be a circle of ten miles round St. Paul's exempted from the operation of the Bill? Why not say 200 miles as well as 10? There was just as much sense and reason in one as the other. The corporate towns were obliged to accept the Bill whether they wished or not; but he observed that those who were most clamorous for the measure were the representatives of places which did not come within the scope of its operations unless they liked to accept of it. He trusted the House would resent the present unconstitutional attempt to dictate to distant localities by Commissioners resident in London. He did not know whether it would be in order or constitutional to offer a suggestion to the hon. Members representing the metropolitan boroughs; but if he might do so he would recommend them, as it was near dinner time, to go away and abstain from voting on the present question; and that course they might safely adopt after having made their bargain with the Government. He hoped, however, that if they did go into Committee, that the noble Lord (Lord Morpeth) would agree to expunge the 13th Clause. If it passed, he believed it would be inoperative, like the Poor Law Bill, from the difficulty of working it out. Altogether it seemed to him such another job as the Railway Bill of last year, which had been passed at the end of the Session; and while many hon. Members were in the country who would have opposed it. The commissions and appointments under that Bill had already cost 13,000*l.* He would oppose the Bill in every way, unless the clause for the appointment of Commissioners was expunged from it.

Mr. T. S. DUNCOMBE did not agree with the right hon. Gentleman the Lord Mayor of York, who asserted that no hon. Member who had a direct interest in the matter should vote upon the Bill. He thought, on the contrary, that it was the duty as well as the right of hon. Gentlemen who were interested in it to vote upon it. He did not know why the metropolis should be exempted from the operation of the Bill; and he would give his vote for expunging that clause. He could only account for the fact of the city of London being exempted from its operations, whilst the city of York was included within its range, by the supposition that the Lord Mayor of York had not as much interest with Her Majesty's Government as the Lord Mayor of London had. The right hon. the Lord Mayor of York had alleged that property would be depreciated by the operation of the measure before the House. It was the first time that he (Mr. Duncombe) had heard of property being depreciated by good draining and cleansing; but he agreed with the right hon. Gentleman, that the salaries of the officers — those chief scavengers of the country—ought to be stated in the Bill. As, however, all the grounds of his objections might be removed in Committee, he should give his vote for going into Committee at once.

Captain PECHELL said, that the town which he represented, and several others, were very anxious to be brought within the operation of the Bill. There were some matters in it that required alteration, which could be effected in Committee.

Mr. BORTHWICK said, it was alleged that the noble Lord (Viscount Morpeth) had re-ascended the summit of St. Paul's, and taken a new survey of the country round from this elevation. He had extended the circle from four miles to ten. Why had he not extended it to the utmost limits of the whole country? The metropolis with its circle was said to have been exempted from the operation of the Bill, because it was so intelligent, so wealthy, and so respectable. He was entitled to be heard on behalf of those smaller, less wealthy, and less intelligent places which were included, because they were not so well able as London to take care of themselves.

Mr. H. BERKELEY, as the challenge had been thrown out by the hon. Gentleman opposite to the Government to produce any Member for an important corporate town not excluded from its operation who would give his support to the measure, begged to say, that he as the representative of a rather large corporate town (Bristol), not only gave his support to it, but had to express the opinions of his constituents, who were very anxious to be included within its operations, and to enjoy the benefits which they expected would be derived from it. And they were surprised at the inhabitants of so enlightened and intelligent a town as London desiring to be excluded.

House divided on the question, that the words proposed to be left out stand part of the Question:—Ayes 117; Noes 26: Majority 91.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Aldam, W.
Anson, hon. Col.
Arundel and Surrey, Earl of
Baine, W.
Baring, rt. hon. W. B.
Barnard, E. G.
Barrington, Visct.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, hon. G. F.
Bernal, R.
Blake, M. J.
Bowring, Dr.
Bramston, T. W.
Brotherton, J.
Brown, W.
Browne, hon. W.
Buller, E.
Burke, T. J.
Busfeild, W.
Byng, rt. hon. G. S.
Callaghan, D.
Chapman, B.
Christie, W. D.
Clay, Sir W.
Courtenay, Lord
Cowper, hon. W. F.
Craig, W. G.
Currie, R.
Dalrymple, Capt.
Dawson, hon. T. V.
Denison, W. J.
Denison, E. B.
Dennistoun, J.
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
Divett, E.
Duncan, G.
Duncombe, T.
East, Sir J. B.
Escott, B.
Estcourt, T. G. B.
Ewart, W.
Fitzroy, hon. H.
Forster, M.
Gibson, rt. hon. T. M.
Gore, hon. R.
Greene, T.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hall, Sir B.
Hallyburton, Ld. J. F. G.
Hatton, Capt. V.
Hawes, B.
Heathcoat, J.
Heathcote, G. J.
Hervey, Lord A.
Hope, G. W.
Horsman, E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Hutt, W.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lawson, A.
Lemon, Sir C.
Mackinnon, W. A.
M'Carthy, A.
Milnes, R. M.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Morison, Gen.
Norreys, Lord
O'Ferrall, R. M.
Ogle, S. C. H.
Parker, J.
Patten, J. W.
Pechell, Capt.
Plumridge, Capt.
Polhill, F.
Ponsonby, hon. C. F. A. C.
Powlett, Lord W.
Protheroe, E. D.
Reid, Sir J. R.
Repton, G. W. J.
Rich, H.
Russell, Lord J.
Russell, J. D. W.
Rutherfurd, A.
Sandon, Visct.
Seymer, H. K.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, rt. hon. R. V.
Somerville, Sir W. M.
Sotherton, T. H. S.
Stansfield, W. R. C.
Strutt, rt. hon. E.
Tancred, H. W.
Thornely, T.
Vane, Lord H.
Villiers, hon. C.
Wakley, T.
Walker, R.
Wall, C. B.
Ward, H. G.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wrightson, W. B.
Yorke, H. R.

TELLERS.
Tufnell, H.
Hill, Lord M.

List of the NOES.

Arkwright, G.
Bentinck, Lord G.
Blackburne, J. I.
Bodkin, W. H.
Borthwick, P.
Buck, L. W.
Carew, W. H. P.
Collett, J.
Deedes, W.
Douglas, Sir C. E.
Dugdale, W. S.
Entwisle, W.
Floyer, J.
Halsey, T. P.
Henley, J. W.
Hildyard, T. B. T.
Hudson, G.
Lygon, hon. Gen.
Manners, Lord C. S.
Muntz, G. F.
Newdegate, C. N.
Newport, Visct.
Rolleston, Col.
Spooner, R.
Vyse, H.
Waddington, H. S.

TELLERS.
Sibthorp, Col.
Waddington, H. S.

House in Committee.

VISCOUNT MORPETH begged to say, in reference to the remarks which had fallen from several Members about the Government being anxious to proceed with the Bill on account of the patronage which it would place into their hands, that as the alterations which had been made in the measure would diminish the duties to be performed, the Government meant to reduce the Commissioners from five to four; and one of them only was to be paid.

On the First Clause (Her Majesty may appoint four persons to be Commissioners, etc.),

MR. HENLEY thought the better course would be for the Government to withdraw the Bill, and to introduce next Session a Bill which would include the whole country within its provisions. There were several objectionable points to which, he thought, the attention of the Committee should be directed — such as the exemption of all manufactories within ten miles of London from the smoke clause—that any two magistrates might decide upon what constitutes a nuisance, and order its removal — and that the inspectors were not limited in their inquiries to matters relating to sanitary regulation, but might extend their inquiries in other directions — a power which he thought might be turned to electioneering purposes. He objected to the centralisation principle upon which the measure was based. He objected to the Bill because it was so framed as to give the Government the greatest possible patronage, and to lay upon it the least possible responsibility. He moved that the clause be omitted.

COLONEL SIBTHORP inquired why the names of the Commissioners should be concealed? They might be persons whom the country did not like. Why, too, give the Commissioners the power to appoint as many inspectors as they liked? He never knew any Bill brought in at the close of a Parliament which conferred such a vast amount of secret patronage.

MR. SPOONER would ask the noble

Lord if he had any objection to state what was the intended salary of this one paid Commissioner? The Ministry would have to take a vote for that amount in Committee of Supply on Friday; and they might as well state the sum now. The Bill entailed a certain annual charge; and the House, in discussing the Bill, ought to know the amount of that charge. They ought also to know something more definite respecting the number of the inspectors. Why, were they to vote for a Bill involving the country in a great expense, without having any idea of the amount of that expense?

SIR W. CLAY would be glad if hon. Members would define what they meant by centralisation, as he had observed that any Bill which was obnoxious to the charge of centralising always found a vast number of assailants. If centralisation meant that powers were to be absorbed by the State which would be more usefully exercised if left to the local authorities, he also would object to it; but if centralisation only was to acquire and diffuse information—a purpose for which the powers of the Commissioners in this Bill were mainly constituted — he should, on the contrary, highly approve of it. No person who had considered the evidence taken by the Commissioners appointed for that purpose, and was aware of the state of neglect in which the towns now were, could honestly say that it was of no use to have a board for the purposes of scientific inquiry into the best modes of sanitary improvement, and to advise as to the wisest plans for carrying out those improvements; and the fears of those who thought so useful a board might be prostituted to political purposes were wild and visionary.

MR. HUDSON said, it was very well for metropolitan Members to support this Bill, after their own constituents had bearded the Government, and obtained an exemption from its provisions for themselves; but for his part he never heard of so monstrous a piece of legislation, as a measure which authorized commissioners to send down inspectors to every town in the kingdom, to make surveys, and incur any other expenses they thought proper, and which then gave the commissioners power to order that all these expenses be paid out of the local rates. It was absurd to inflict such a pressure on towns merely because they happened to have corporations. The expenses of surveys and inspection would be imposed even where the best possible sanitary regulations were already in operation. In the city of York, a separate board had the management of the lighting of the streets; and they performed that duty so admirably, that he should be sorry if they were compelled by this Bill to resign those duties to the corporation. He did not see why the towns were to be interfered with and dictated to in so vexatious a manner; the effect of that interference would be to paralyse the exertions of the local authorities.

VISCOUNT MORPETH said, as the Committee was now engaged on the clause which related to the constitution of the commissioners, he felt bound to confine himself to that point alone. He had been asked by the hon. Member for Birmingham why he made a mystery of the extent of remuneration to be given to the paid Commissioner. He could assure the Hon. Gentleman that he did not wish to make any mystery whatever of that or any other matter, where circumstances did not require him to do so; and he had no hesitation in stating at once, that when the subject was brought forward in the estimates, it was not intended to propose that a larger salary should be given than one not exceeding 1,000*l.* a year. It was asked, why did they not let the towns petition for the extension of this measure? But his conviction was, that if such a regulation were adopted, the localities most in need of improvement, would be the very towns from which the invitations to interfere would not proceed. As to the word "centralisation," there was nothing in it so very formidable in his ears. He believed the word was formidable to those only whose deeds merited punishment. Centralisation was either a very good or a very bad thing, according to the object to which it was applied, and the mode in which it operated. There was, he thought, no case in which it was more likely to be attended with good results than that to which the Bill before the Committee applied. The proper sewerage of towns, the cleansing and lighting of streets, and the abundant supply of water, were the very matters in which the interference of an impartial and scientific superintendent authority would be most useful, and which were more likely to be effectually carried out under such superintendence, than under the straggling or desultory efforts of particular localities. That superintendence it was the object of the Bill to supply; but it would do no more. However useful the authority of the Commissioners might be, he, for one, should object to it, if it were to have the effect of superseding and paralysing local efforts. Their business would be to give advice, and to stimulate, if necessary, local efforts; but he would like hon. Gentlemen who said the Bill went further than this, to put their fingers on any one provision which empowered the central authority to do itself what it was found desirable to have effected, instead of consigning it to local agency, which would be responsible to the popular feeling of the place. If defective at all, he believed the Bill contained too little of stringent or compulsory power to effect what was desirable to have done. The principle of the Bill was to leave all to local agency, advised and encouraged by central superintendence. When the local agents neglected or refused to do their duty, the central authority had power to interfere only by directing public opinion to the subject, and bringing that public opinion to bear upon it. The institution of the Commission would also bear favourably with the suggestion of contrivances for preventing fires, the means of removing disease, and for general sanitary purposes; and, under these circumstances, he appealed to the House to consent to its appointment.

Sir J. DUCKWORTH had a constitutional objection to the Commissioners having power to send down inspectors whether the ratepayers wished it or not, the ratepayers being the parties who were compelled to pay the expenses. He could wish there might be some board to advise with as to the best mode of draining and effecting other sanitary improvements; but he did not like to take out of the hands of the local authorities the power of applying the rates in the manner they thought best. He regretted that the Government, instead of forcing this Bill through the House at so late a period of the Session, had not adopted the suggestion of the hon. Member for Falkirk (Lord Lincoln), and brought in now a short Bill, which would have prevented loss of time, and enabled the towns to give an opinion on the measure.

Colonel SIBTHORP said, the noble Lord had talked of leaving the execution of improvements to the local authorities; and in answer to that he only asked the House to read the ninth and tenth clauses. He condemned the inquisitorial power of the inspectors, which would almost authorize them to go to the house of the Lord Mayor of York and see what he had for dinner, and whether he went sober to bed, which he (Colonel Sibthorp) was sure the right hon. Gentleman always did. And yet the noble Lord could tell the House everything was left to the local authorities?

Mr. NEWDEGATE said, the noble Lord had fully defined the objects of the Bill, and it afforded a good answer to the question put by the hon. Baronet the Member for the Tower Hamlets (Sir W. Clay), "what is the true definition of the term centralisation?" In the first place, the Commissioners were to have the power of inquiring and of reporting to the Privy Council—which had more effect than an Act of Parliament; they next were to have power to place any town under the central authority; in the third place, inspectors were to be appointed, who were to have the power to influence the town-council; and in the last place, the town-council was to carry on the principle of centralisation by absorbing within itself all the other local boards. The authority was to originate with Government; it was then to influence the town-councils; and the town-council was to absorb within itself all the local jurisdictions. The noble Lord had said that centralisation might be a good thing, and it might be a bad thing. He (Mr. Newdegate) agreed with the noble Lord. Centralisation was a powerful agent for good or bad; but it was an agent utterly alien to the constitution of this country. It introduced a power to which Englishmen were thoroughly averse. And if the reports on which the Bill was founded had no better foundation than that quoted by the noble Lord in reference to the city of York, he doubted whether it would not be difficult to make the system in any way palatable to the people. Several hon. Members who had spoken were not averse to a central authority. The hon. Baronet the Member for Exeter (Sir J. Duckworth) would not object to a sort of chamber council to consult with when they wished to do so; but that was a very different thing to a central authority, which threw out its ramifications throughout the whole country, and absorbed every minor authority by means of the town-council. He believed the Lord Mayor of York, who had lived in that city from his youth, and was acquainted with every street, court, alley, and corner, must be a good authority on its sanitary state. He contradicted the report which the noble Lord quoted, and he brought to back his assertion the opinions of some of the most eminent medical men, that centralisation in York would be founded on a report which they had the best means of knowing was based on gross exaggeration. That was the system in the outset. The noble Lord introduced the measure now, and quoted Liverpool and London. Why, it was very well known that the famine had been the cause of unusual disease and mortality. Were they to legislate as if they were to have a continual famine fever? The hon. Member for Exeter had talked of delay; but if the Government delayed they spoilt their case. He rose, however, principally for the purpose of calling the attention of the House to the fact that they were gradually, step by step, undermining the system of government in this country: first, under the excuse that the power was not absolute; and next, that the local authorities had not intelligence enough to govern the affairs of their own towns. By one step after another, they were departing from that system under which England had risen to her present position in the scale of nations. They talked of England as if it were a mass of misery and disease from one end of the land to the other; but let them go round all the countries in the world, and then ask themselves the question whether she were so or not. The noble Lord had quoted the authority of a commission in support of centralisation. Did he think that any man would depreciate his own trade? They were not likely to cry stinking fish so near those who took their wares. Hon. Members came down there in total ignorance of what the Bill really was; and it was not to be wondered at, for the Bill swallowed up the powers also of their larger Acts of Parliament. But did the House know that to bring any borough under this central power the Committee had only to make a report, and as soon as that report was approved by the Privy Council, they were endued with more power than an Act of Parliament; and the Commissioners had only to give notice in the *London Gazette*, and in such other manner as they approved. So that any day any borough might be placed under central authority without the knowledge, to say nothing of the consent of the inhabitants. True, it did give the majority the power of rejecting the measures proposed; but why not give a majority of the ratepayers the power to reject central interference altogether in the first instance? Why change the nature of the incorporation? It was a maxim in law that parties should not be compelled to incorporate themselves except voluntarily from a sense of their own advantage. He had objected strongly to the principle of the Bill generally, and he opposed in an equal degree the clause by which it was now proposed to appoint the Commissioners.

MR. G. PALMER remarked, that if they were to send an inspector to the cleanest town in the country, it would be impossible that he should not be aware of some smell arising from cabbage-water or some other impurity. It would be impossible to get an inspector to report that any town was altogether free from impurity. But who were so interested in the health of a town as those who lived in it? He knew nobody to whom it was more safe to intrust the working of a measure of this kind than to local bodies. He felt that the difficulties were very great indeed, in the way of carrying out the Bill in the manner proposed. He thought he had heard the noble Lord say the Bill contained no power to compel the execution of any work without the consent of the local authorities. Was that so? [Lord MORPETH: Yes.] He thought it would be very satisfactory to the country to know that fact.

MR. ENTWISLE was anxious that towns should have the means of relieving themselves from the impurities which prevailed in many of them; but he doubted whether the present measure offered the best means of effecting that object. No explanation had been given of the reason for placing all the towns of the country under three heads. London, which most required sanitary legislation, was left out of the Bill; other towns might, if they pleased, place themselves under the operation of the measure; and upon a third class it was compulsory. This was anomalous legislation. Would it not be better to include London in the Bill, and give it and all other towns the option of embracing its provisions? He disliked the principle of centralization which pervaded the measure, and contemplated with anything but a feeling of satisfaction the prospect of another large staff of commissioners and inspectors being saddled upon the country. If the Government would give to all towns the power of bringing themselves under the operation of the Bill by a petition from a portion of their inhabitants—not a fixed number—the country would accept the measure with satisfaction.

MR. WAKLEY was surprised at the feeling which appeared to have suddenly sprung up in that House against commissioners. When, a few days since, he purposed to get rid of the Poor Law Commissioners, he found himself in a wofully small minority, and yet the powers to be exercised by those Commissioners were vast and almost unlimited compared with the powers to be exercised under this Bill. The Commissioners under the present measure could only interfere with drains and cesspools; the Poor Law Commissioners had the control of millions of the poor people of this country. It would be inconsistent in those who voted for the appointment of the Poor Law Commissioners to vote against the appointment of these Commissioners. The right hon. Member for York voted for the Poor Law Commissioners. [Mr. HUDSON: Only for one year.] He hoped that the right hon. Gentleman would reflect on the evil tendency of his vote, and replace it by a better on a future occasion. With respect to the question now before the Committee, he thanked Ministers for what they had done, but thought that they ought to have gone further. They were justly answerable for not acting on a bold, well-defined principle. When they had to apply their sanitary legislation to the spot where it was most wanted, they shrank from the performance of their duty. The noble Lord had not stated why London and the metropolitan boroughs were excluded from the Bill. This was not the first occasion in which the corporation of London had succeeded in exempting themselves from the operation of measures which ought to have applied to them: they pursued the same course with respect to the Corporations Amendment Act and Peel's Police Act. The exemption of the metropolis must appear very unfair to other towns. He would undertake to say, that if there was one part of the country which more than another required sanitary regulation, it was London. The abominable state of many parts of the metropolis generated disease, and gave rise to much crime. The moral feature of the sanitary question had been much overlooked; for his part, he thought the present measure one of great importance in a moral point of view. Feeling a strong conviction of the necessity of the measure, he would, though much against his inclination, vote for the appointment of the Commissioners. He perceived that only one Commissioner was to be paid, and he presumed that he was a medical practioner, from the circumstance of the salary being so low.

MR. HENLEY observed that the question before the House was whether they could carry out sanitary reform efficiently by this Bill, or by any measure they could adopt. He took exceptions to the Bill because he felt assured that, even if the measure should ultimately succeed, the machinery was so elaborate that several months would elapse before it could be brought into operation. He contended that all necessary sanitary reform could be carried out under the Towns Improvement Clauses Bill. Let them begin at the 13th Clause of the Bill before the House, and strike out all the expensive machinery, and the Bill would be hailed with pleasure by the country generally.

MR. P. HOWARD supported the Bill, which was strongly approved of by the most eminent medical men in Carlisle. He had received various communications from Carlisle in favour of it. The Bill would work much better without the improvement suggested by the hon. Member for Oxfordshire. It would save the poor rates, and give a useful impulse to local improvement.

LORD G. BENTINCK said, his noble Friend the Chief Commissioner of Woods and Forests had stated in his opening address, when proposing the measure, that he did not entertain any alarm at the system of centralisation to be established by it. He was not surprised at this declaration, inasmuch as all the despotic powers given to the Commissioners and all the patronage conferred upon them would be centralised in his noble Friend. It was upon that account that the corporate towns of England felt alarmed at the system of centralisation over which the noble Lord was to exercise control. He could answer for the borough which he represented, that in its corporate capacity it was far from being disposed to place perfect confidence in the omniscience of his noble Friend. They objected to the measure because it was to confer upon a cumbrous staff of salaried officers powers to make inquiries without limit or restriction. He was not surprised at corporate towns feeling alarmed, especially if it should have come to their knowledge that one of the first acts of the noble Lord when appointed First Commissioner of Woods and Forests was to order returns from either a gas or a water-work company at either Edinburgh or Leith, which, if supplied, would have engrossed the entire time of Mr. Rendal and his whole staff of engineers and sub-engineers for two years, and would have cost a sum of 30,000*l*. These were the sort of inquiries which those newly-appointed Commissioners, who knew nothing of the local affairs of a town, were to be authorized to direct or not, just as they might consider necessary. Another reason for the alarm which the corporate towns felt was to be traced to the circumstance that the city of London and the metropolitan boroughs were to be excluded. They were alarmed that the city of London, which was represented by the First Commissioner of the Treasury, should be exempt; and this circumstance justified them in the opinion that there was some secret mischief lurking somewhere. He hoped the noble Lord was prepared to give a satisfactory explanation in this respect, for so long as the city of London was exempt, he, as the representative of the borough of King's Lynn, would claim for that place the same measure of even-handed justice which was awarded to the city of London. His noble Friend the Chief Commissioner of Woods and Forests had laid a heavy indictment against the health of the city of York; but why did he inform the House when he brought in the measure, that it was designed to add years to the lives of the inhabitants of London? The noble Lord gave them to understand, that eight years were curtailed from the lives of the inhabitants of the metropolis, in consequence of deficient drainage and ventilation; and he estimated the value of the labour thus lost at 2,500,000*l*. He also informed them that 10,000 persons unnecessarily died from bad drainage and an inadequate supply of water, and that sickness attacked 70,000 persons who would otherwise be without any ailment. This the noble Lord advanced on the authority of Dr. Lyon Playfair, the great curer of the potato rot. If such were really the case, how did the noble Lord justify withholding such a boon from the citizens of London? Why, the only reason could be that the noble Lord did not believe one word of what the noble Lord had been told. He could not charge the noble Lord with the grave offence of withholding such great benefits from the inhabitants of the metropolis if it was really his opinion that the measure would have the effect of saving annually the lives of 10,000 persons, of saving 70,000 more from the horrors of disease, and of saving 2,500*l*. per annum. But this was not all, for his noble Friend told them that by his scheme he could be able to realize 2*l*. per year by the excrement of every individual; and that, allowing 5,000,000 as the population of the great towns to which the Bill was to apply, he could thus save the enormous sum of 10,000,000*l*. per annum. If this were the case, what pretext was there for the noble Lord the Member for London to interpose with his great influence to obtain the exclusion of the metropolis from the operation of the Bill? The reasons he believed to be, that all the advantages which had been urged were entirely visionary. From the many changes which the measure had undergone, he confessed that he had lost all confidence in it, and was strongly inclined to suspect that there was something wrong in the measure; and he thought that those who represented corporate towns should endeavour to get rid of the Bill if they could. With regard to patronage, it was only natural that every district should wish for a fair share; but this was taken away by the Bill now before the House—nobody could be appointed to any office under the Bill who did not meet with the sanction of the Commissioners. Of all the reasons which had been urged in favour of conferring this additional patronage on the Government, the worst he ever heard was that advanced by an hon. Member, that because the House consented last week to remodel the Poor Law Board, thereby bringing nearly 6,000 officers within the statutory appointment of the Chief Commissioners who held seats in Her Majesty's Cabinet, therefore the House should consent to the present measure, which conferred the right to make many other appointments. He had sat patiently expecting the noble Lord at the head of the Government, or the noble Lord the Chief Commissioner of Woods and Forests, to inform the House what number of appointments there would be, and what would be their salaries. The noble Lord, however, at the head of the Government had proved very bashful, if not very mysterious, on these points; and he believed that the promise which had been made to the House on the subject of the salaries of the Poor Law Commissioners had not been fulfilled. In the old Bill a clause was inserted, giving an unlimited power to appoint officers at salaries of 800*l*.; in the new Bill the clause did not appear, but another was inserted, giving the power of appointment to the Commissioners, and leaving the salaries to be fixed by the Crown. He was not disposed to allow the measure to make any further progress if he could prevent it.

Whether he regarded it as conferring an enormous amount of patronage on the Government, and taking it away from the several districts, or whether he looked upon it as an undue and unjust interference with the management of the internal circumstances of each separate town, it was equally objectionable.

LORD J. RUSSELL observed, that the Bill which now formed the subject of discussion had been read a second time by a very considerable majority. It had then been proposed that very evening that the House should go into Committee on the Bill that day three months—a proposition which was negatived upon a division by a majority, as he believed, of 117 to 26; and now the noble Lord, finding all his efforts defeated by great majorities, got up and made a speech on all kinds of subjects not referring to the question before the Committee, and declared that he would do all he could to stop the progress of this Bill. A great part of the noble Lord's speech was taken up with answering a speech made by his noble Friend the Chief Commissioner of Woods and Forests in the month of March last. The noble Lord said that he was astounded—

> "Obstupuit, steteruntque comæ, et vox faucibus hæsit;"

and the noble Lord had consequently waited till the month of July before he was able to answer the speech of his noble Friend made in March last. He thought it might be easily seen that the noble Lord's object was not to discuss the clauses of the Bill, but, by making a speech, to obstruct its progress. Among other things had come the frequent repetition of the charge that the First Minister of the Crown, representing the city of London, had used his influence to get that place exempted from the operation of the Bill; but neither the noble Lord, nor any one else, had noticed that the noble Lord the late Chief Commissioner of Woods and Forests had previously introduced a Bill which did not include the city of London; and that the first time the city of London was introduced was when the First Minister of the Crown represented that city in Parliament, whereupon the noble Lord the late Chief Commissioner of Woods and Forests objected to the insertion, as making the Bill impracticable, and almost impossible. That, however, was a subject which was referred to by a subsequent clause of the Bill; and when the Committee came to that subject, his noble Friend would state his reasons for omitting the city of London. The question involved in the first clause was, whether there should be a central power to put this Act into operation. While he felt that what had fallen from the hon. Member for Finsbury reflected somewhat upon his own constituents, he thought that there was a great deal of general truth in his observations, because the hon. Member said that if the House left corporate bodies to reform themselves, without any external pressure whatever, it would be a long time before they took any steps towards that object. The plan of the hon. Member for Oxfordshire was to allow these places to clean and purify themselves; but the opinion of the Government was, that without some external pressure and interference they would do nothing of the kind. What the Government proposed at present was, that the Chief Commissioner of Woods and Forests should appoint one Commissioner, at a salary of 1,000*l.* a year, and a certain number of inspectors. [Lord G. BENTINCK: An uncertain number.] Well, an uncertain number, if the noble Lord liked, who should visit these towns and make reports as to what was to be done. The noble Lord, if he thought proper, might propose to fix a limit to the number employed; but there was a limit which the noble Lord did not seem to understand, and that was the necessity of taking a vote for the salaries of the inspectors in Committee of Supply. If the House of Commons thought that any extravagance had been practised, the number of inspectors might be easily cut down by making the vote 3,000*l.* instead of 5,000*l.* The noble Lord was mistaken in supposing that the whole of the power respecting the appointment of officers was taken out of the hands of the towns, because with regard to certain other officers they were to be appointed by the towns; and the whole power which the Chief Commissioner of Woods and Forests would have in respect of them was to give his approbation to the appointments which were made. The powers given by the Bill, therefore, were not all vested in a central body, and the powers which were conferred seemed to be necessary, in order to put this Bill into operation. Seeing this to be the case, he really thought that, however fair an objection there might be to increasing the patronage of the Government—an objection of which he did not complain—still, when an important object was involved, he thought it better to increase the patronage of the Crown, than to lose a very considerable public benefit.

LORD J. MANNERS said, that the noble Lord the First Minister of the Crown had virtually admitted that the reason why the city of London was cut out of the Bill was, that the noble Lord the Member for Falkirk had said that it ought to be excluded. With regard to the plan itself, he was not disposed to reject any measure which would tend to improve the sanitary condition of the people, on account of any amount of patronage which would be created by it; but unless it could be shown that such benefits would certainly be conferred, he could not assent to the creation of so much Government patronage. He saw the other day an extraordinary statement, in a paper which was supposed to be an organ of Her Majesty's Government—he meant the *Morning Chronicle*. He did not pretend to recollect the exact details, but it appeared that there were more places in the gift of the Government of France than there were electors in that country. He did not mean to say that we were likely to come to the same state of things; but he thought it was an element of consideration which we ought to keep in view. With regard to the plan of the hon. Member for Oxfordshire, he must say that he thought he had pointed out a more feasible scheme than that of the Government, and one more likely to lead to practical results.

On the question that the Clause stand part of the Bill, the Committee divided:—Ayes 100; Noes 28: Majority 72.

List of the AYES.

Adderley, C. B.
Aglionby, H. A.
Aldam, W.
Anson, hon. Col.
Arundel and Surrey, Earl of
Baine, W.
Bannerman, A.
Barclay, D.
Barnard, E. G.
Beckett, W.
Berkeley, hon. C.
Berkeley, hon. Capt.
Bouverie, hon. E. P.
Bowring, Dr.
Brisco, M.
Brotherton, J.
Brown, W.
Burke, T. J.
Busfeild, W.
Byng, rt. hon. G. S.
Chapman, B.
Clay, Sir W.
Clifton, J. T.
Cowper, hon. W. F.
Craig, W. G.
Dalmeny, Lord
D'Eyncourt, rt. hn. C. T.
Dickinson, F. H.
Divett, E.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
East, Sir J. B.
Evans, Sir De L.
Ewart, W.
Ferguson, Sir R. A.
Fitzmaurice, hon. W.
Forster, M.
Gibson, rt. hon. T. M.
Grey, rt. hon. Sir G.
Hanmer, Sir J.
Hatton, Capt. V.
Hawes, B.
Hayter, W. G.
Heathcoat, J.
Hervey, Lord A.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Inglis, Sir R. H.
Jervis, Sir J.
Kemble, H.
Labouchere, rt. hon. H.
Langston, J. H.
Layard, Major
Lemon, Sir C.
Macaulay, rt. hn. T. B.
Mackinnon, W. A.
Martin, C. W.
Maule, rt. hon. F.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Morison, Gen.
Ogle, S. C. H.
Parker, J.
Patten, J. W.
Pechell, Capt.
Perfect, R.
Philips, G. R.
Plumridge, Capt.
Polhill, F.
Powlett, Lord W.
Protheroe, E. D.
Pusey, P.
Rich, H.
Russell, Lord J.
Rutherfurd, A.
Seymour, Lord
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Somerville, Sir W. M.
Sotheron, T. H. S.
Stansfield, W. R. C.
Staunton, Sir G. T.
Stuart, Lord J.
Strutt, rt. hon. E.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Trelawny, J. S.
Turner, E.
Wakley, T.
Walker, R.
Ward, H. G.
Watson, W. H.
Williams, W.
Wrightson, W. B.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Arkwright, G.
Bentinck, Lord G.
Blackburne, J. I.
Borthwick, P.
Carew, W. H. P.
Collett, J.
Colville, C. R.
Duckworth, Sir J. T. B.
Entwisle, W.
Floyer, J.
Fuller, A. E.
Grogan, E.
Hall, Sir B.
Hodgson, F.
Hudson, G.
Lawson, A.
Manners, Lord C. S.
Manners, Lord J.
Muntz, G. F.
Neeld, J.
Newdegate, C. N.
Palmer, G.
Rolleston, Col.
Round, C. G.
Sibthorp, Col.
Spooner, R.
Stuart, J.
Yorke, H. R.

TELLERS.

Henley, J. W.
Buck, L. W.

On Clause 7,

MR. DIVETT moved that the concluding lines of the clause, giving power to the inspectors to inquire and report whether or not the existing boundaries of corporate boroughs ought to be extended, be omitted.

VISCOUNT MORPETH explained that it was not the object of the Act that the inspectors should have power to alter the boundaries, but merely that they should inquire and report respecting them, and make recommendations, which might be made the basis for legislative enactment on the subject.

The House divided on the question that the words proposed to be left out stand part of the Clause:—Ayes 103; Noes 59: Majority 44.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.

Aglionby, H. A.
Aldam, W.
Anson, hon. Col.
Arundel and Surrey, Earl of
Baine, W.
Barkly, H.
Barnard, E. G.
Beckett, W.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Blake, M. J.
Bouverie, hon. E. P.
Bowring, Dr.
Brisco, M.
Brotherton, J.
Brown, W.
Buller, C.
Buller, E.
Burke, T. J.
Byng, right hon. G. S.
Cavendish, hon. G. H.
Chapman, B.
Clay, Sir W.
Cowper, hon. W. F.
Craig, W. G.
Dawson, hon. T. V.
Dickinson, F. H.
Duncan, G.
Duncombe, T.
Dundas, Adm.
Dundas, Sir D.
Easthope, Sir J.
Ebrington, Visct.
Ellice, rt. hon. E.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Forster, M.
Gibson, rt. hon. T. M.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Hamilton, Lord C.
Hanmer, Sir J.
Hatton, Capt. V.
Hawes, B.
Hervey, Lord A.
Hollond, R.
Hope, G. W.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Inglis, Sir R. H.
Jervis, Sir J.
Labouchere, rt. hon. H.
Langston, J. H.
Lawless, hon. C.
Lemon, Sir C.
Lindsay, Col.
Macaulay, rt. hon. T. B.
M'Carthy, A.
Maule, rt. hon. F.
Miles, P. W. S.
Milnes, R. M.
Mitchell, T. A.
Moffatt, G.
Monahan, J. H.
Morpeth, Visct.
Morris, D.
Mostyn, hon. E. M. L.
Neville, R.
Norreys, Lord
Norreys, Sir D. J.
O'Connell, M. J.
O'Ferrall, R. M.
Palmerston, Visct.
Parker, J.
Perfect, R.
Philips, G. R.
Philips, M.
Plumridge, Capt.
Protheroe, E. D.
Rich, H.
Romilly, J.
Russell, Lord J.
Rutherfurd, A.
Sandon, Visct.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Somerville, Sir W. M.
Stuart, Lord J.
Strutt, rt. hon. E.
Talbot, C. R. M.
Thornely, T.
Trelawny, J. S.
Turner, E.
Vivian, J. H.
Wakley, T.
Ward, H. G.
Wilshere, W.
Wood, rt. hon. Sir C.

TELLERS.

Tufnell, T.
Hill, Lord M.

List of the AYES.

Arkwright, G.
Bentinck, Lord G.
Blackburne, J. I.
Boldero, H. G.
Borthwick, P.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Carew, W. H. P.
Codrington, Sir W.
Colville, C. R.
Courtenay, Lord
Deedes, W.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duke, Sir J.
East, Sir J. B.
Entwisle, W.
Floyer, J.
Fuller, A. E.
Grogan, E.
Halsey, T. P.
Hamilton, G. A.
Hayter, W. G.
Heathcote, J.
Henley, J. W.
Hildyard, T. B. T.
Hodgson, F.
Hudson, G.
Hussey, T.
Hutt, W.
Kemble, H.
Lawson, A.
Lowther, hon. Col.
Manners, Lord J.
Martin, C. W.
Muntz, G. F.
Newdegate, C. N.
Newport, Visct.
O'Brien, A. S.
Ossulston, Lord
Packe, C. W.
Palmer, R.
Pechell, Capt.
Rashleigh, W.
Rolleston, Col.
Russell, J. D. W.
Seymer, H. K.
Seymour, Lord
Sibthorp, Col.
Smith, rt. hon. R. V.
Sotheron, T. H. S.
Tancred, H. W.
Tollemache, J.
Vivian, J. E.
Waddington, H. S.
Williams, W.
Yorke, H. R.

TELLERS.

Divett, E.
Spooner, R.

House resumed.

Committee to sit again.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, July 2, 1847.

MINUTES.] PUBLIC BILLS.—2ª Militia Ballots Suspension; Corn, &c. Importation.

Reported.—Trustees Relief.

3ª and passed:—Qualification of Peers (Scotland); Police Clauses; Passengers Act Amendment.

Received the Royal Assent.—Naval Mutiny; Naval Prisons; Royal Marine Service; Quakers' and Jews' Marriages; Masters in Chancery; Baths and Washhouses.

PETITIONS PRESENTED. From Members of a Baptist Congregation assembling in Bradford, Yorkshire, against any Further Grants of Money being allowed to Support the Pagan Temples in India.—From Londonderry, for a Comprehensive and Equitable Right in behalf of the Occupiers of Land in Ireland.

MILITARY PUNISHMENTS.

LORD BROUGHAM said, that he wished to ask a question of his noble Friend near him (the Duke of Wellington). He wished to ask him whether he had any information with respect to the order issued by Colonel Hallifax, commanding the 75th regiment, in relation to a man of his regiment who was charged with what was certainly a grave offence, viz., endeavouring to enable another soldier to escape punishment by lending him a bullet to put into his box, this man being charged with having fired at his sergeant? He wished to ask his noble Friend whether he had any information with respect to the extraordinary order written by Colonel Hallifax on this subject? That officer stated that he (the person charged) "should certainly receive the severest punishment that could be inflicted." That in his (Lord Brougham's) opinion was rather jumping at a conclusion. He supposed that the gallant officer meant to say, that the man should be punished if found guilty. The poor man was so much shocked at this that he cut his throat.

The DUKE of WELLINGTON said, he had had information relative to the transaction, and the facts were these:—A soldier of the 7th Hussars, named Smith, had shot at a sergeant-major, also of the 7th Hussars, with his fire-arms. A soldier of the 75th regiment had given to the man who had shot at the sergeant-major a ball, in order that when the murderer was searched, to discover whether he had all his ammunition, he might appear to have all, and so deceive the coroner before whom the murder was about to be inquired into, and enable this soldier of the 7th Hussars—this Smith—who shot at the segeant-major, to defeat the ends of justice, and fasten suspicion on other men of the same regiment of Hussars. He (the Duke of Wellington) was afraid this atrocious act was not a military offence, punishable by court-martial; but in committing that act the soldier did commit one of two offences for which he was liable to be tried by a court-martial. When he gave Smith a ball to enable him to defeat the ends of justice, this man committed a military offence by giving a ball, with the care of which he was entrusted himself, and which he was obliged to produce upon every inspection and parade, unless he could account for it legally, or else he must have purloined the ball from one of his comrades, or from somebody else, in order to give it to this soldier. For one or other of those offences he was liable to be tried; and the officer in command of the regiment, which was at Athlone, was quite in the right in ordering him into confinement immediately, and into irons, and to be brought in irons from Ballinasloe to Athlone, ten miles, in order to take his trial for one of those two military offences. He repeated, the commanding officer was fully justified in censuring, in the strongest manner, and marking with his indignation and abhorrence, this atrocious act of enabling a murderer to escape justice. The commanding officer was quite right under these circumstances in ironing the soldier, and he was quite right afterwards in ordering him to be brought to trial, and in declaring his intention of punishing him, if guilty of the offence. He approved of all that had been done by the commanding officer, with this exception, that the commanding officer, when he gave the order that the man's hair should be cut, and when he marked his indignation and abhorrence at the man's offence, did not state in the order for what offence that order was given; because some persons might suppose that the offence for which he was so treated consisted in his being concerned in the original murder. That he was so concerned, might or might not be the case, but it was not upon that idea that the commanding officer's order was founded; all he felt was that an atrocious act had been committed, in enabling an offender to evade justice; and it was essentially necessary, especially in Ireland, so to mark such an offence with indignation as to make it not likely that a similar one would be again committed by a soldier of the 75th regiment. All he blamed the commanding officer for was not sufficiently explaining the grounds of his order.

LORD BROUGHAM acknowledged that the noble Duke was right in expressing indignation at the man's offence; and he (Lord Brougham) had himself observed that it was a grave offence. At the same time, he could not quite agree that a person should have his head shaved, and be sent handcuffed to his trial; because his offence at law (whatever might be his military offence, in taking a bullet out of his own store) was only for being accessary after the fact, in concealing a felony. The noble Duke was mistaken in thinking a murder had been committed, for the man who fired at the sergeant missed him. That circumstance, however, did not make the offence less grave. The defence was that the musket went off accidentally; but that of course had to be tried. He (Lord Brougham) did not deny the gravity of the offence; but his objection was to handcuffing, cropping, and otherwise punishing before trial a man who was charged with being accessary after the fact, but not convicted of anything; and he also objected to the omission in the terms of the order of the cause of punishment, and to the statement that the man was to take his trial, and would most assuredly receive the severest punishment that could be inflicted. No doubt the commanding officer meant to say that the man would receive the severest punishment, "if convicted;" but he ought to have stated that.

The DUKE of WELLINGTON did not understand that the man was to have been tried for any other offence than that of either making away with his own ammunition, or taking ammunition from some other soldier. He had not heard that the man was to have been tried for being concerned in the murder.—Subject at an end.

POOR LAWS ADMINISTRATION BILL.

On Motion that this House do now resolve itself into Committee, LORD BROUGHAM admitted the importance of connecting the Board by which the Poor Law Administration was conducted with the proceedings of Parliament. He wished to see this Board of Commissioners not only possessed of power to execute its functions, but acting under full and strict responsibility also. It would be a great advantage to have a responsible Member of the Board always present in Parliament to answer any charges which might be alleged against the administrators of that law; for it was only right, if charges were false, that they should be at once contradicted; and, upon the other hand, if they were true, there was a sort of punishment in exposing before Parliament the delinquency of the Commission. The officer whom this Bill appointed to sit in Parliament would doubtless have the opportunity of meeting all the charges alleged against the Commission. There would be the dread, the wholesome fear, on the part of this functionary, of being called at once to an account before a tribunal where he must on the spot answer and explain—where the falsity of the charge might be proved, or its truth established—where, if false, the matter would drop, and, if true, that sort of castigation would be administered which a Parliamentary debate often supplied. But, on the other hand, there were great and serious disadvantages attending the position of this officer as a Member of the Cabinet or of the Government, for every charge against the law would be taken up as a charge against the Government; every circular issued by the Commission might be rendered the pretext for an attack on the Government. Those charges would be taken up by Members of the Opposition, right or wrong, to attack the Ministry; they would be answered, right or wrong, by the Government in their own defence, and the upshot would probably be, that matters which should be calmly, fairly, and dispassionately discussed, would become the staple of party attacks, and, perhaps, the ground upon which a Government might be displaced. He did not wish to see a question like this—a question so vitally affecting the welfare of the country—a question requiring great calmness and moderation, made either a Ministerial or a Cabinet question. This would not be giving the Poor Law fair play; for that law would be attacked, not because it was a bad law—not because there was any real objection to the steps which were taken, or the circulars which were issued, with reference to the administration of that law—but because those measures afforded the adversaries of the ruling powers a ground for assailing the Ministry. On the other hand, the measures proposed for the administration of the law might be most unjustifiable and improper; but, whether right or wrong, they would be defended by the Government and their supporters, who might say, "We admit that these measures are not approved of by all among ourselves; but we must support them because they are Government measures, and because they are attacked by the Opposition." The objections which were taken to the different measures of Poor Law administration in detail, would render that law peculiarly obnoxious to attacks of this kind. They had seen that humanity, or a false notion of humanity, was the main ground of the complaints which were urged out of doors—and often in-doors—against many of the proceedings of the Poor Law Commissioners. It was said, "What a cruel and dreadful order this is for the separation of the sexes!" and a great clamour was raised against many regulations for the administration of the law because they were not considered consistent with kindness and humanity. Their Lordships would see, then, how very obnoxious to attack every arrangement of the proposed department was likely to prove. Not only would the Government be attacked in doors. but a cry of cruelty would be raised against them out of doors; and the clamour of the multitude would be excited against them for what might be a perfectly sound and consistent performance of their public duty. They might have issued an order which was humane and merciful to the poor man—they might have acted merely in the strict and rigid discharge of their public duty, and yet a clamour might be raised against them in the country. There was always a numerous class of men ready to take part with any one they thought had been injured or treated with cruelty, but who did not see that what they called cruelty was in reality lenity and kindness to the persons on whose behalf their feelings were excited. Nothing could be more certain than that it would afford great pleasure to many humane individuals if all paupers were to be furnished with a dole of money out of the profits of the wealthy classes of the community. These humane persons would say, "What can possibly be better than to take care that there shall be no poor in the land, and to give those persons 20*l*., or 30*l*., or 40*l*. a year out of the estate of Lord So-and-so, or Mr. So-and-So?" But these individuals must remember, that if they laid down a rule that there should be no poor in the land, there would be no labourers, and the consequence would be that the rich would become poor, and the poor of both classes starve. The best object to which these humane persons could apply themselves, would be to take care that the poor should have no inducement to be idle, and every inducement to be industrious; but if they promulgated out of doors the doctrines to which he had referred, they would excite a constant clamour against the Government on the subject of the poor. The question in Parliament, if the department for the administration of those laws was connected with the Government, would not be whether the measures proposed were good or bad—which was the real question that ought to be considered—but whether their rejection would shake the Government of the day; and, according as the balance of parties might be, the bad measure might be carried, or the good measure might be rejected. It was understood that a general election was now near at hand; and he would ask their Lordships to consider in what a position the Government might have been if they had had a Poor Law Minister associated with them who, with the assent of his Colleagues, had laid down some particular mode and form of administering the Law. Then see how the administration of the Poor Law in all its details must necessarily depend upon not only the firmness of purpose which any given Ministry might possess, but also upon their firmness of tenure—their chances of retaining office. What if the country were ever to be afflicted with a Government so feeble that it hardly could be said to have a majority in either House? Many of their Lordships might think such a calamity impossible; he hoped it was, but having lived longer than most of them, he had seen something very like what he was now describing, a Government with a great majority of the one House decidedly against them, and a small fluctuating uncertain majority, varying from two to four, and averaging three, for them. How would the Poor Law work in that case? How could it even be administered under such a Government? An order is propounded as a measure in contemplation for the administration of the department. It is plainly in the spirit of the law; it is clearly right; at all events, it is believed by the whole Cabinet to be right; all the Ministers deem that their bounden duty requires them to adopt it. They know it is sure to be attacked; they are aware that the cry out of doors is against it; they are certain that within doors the Opposition will support that cry, and oppose the measure. The Cabinet meets; the discussion begins; all in one voice, strong in their right opinions, fearless in the discharge of their duty, supported by the courage of public virtue, all agree to hold the clamour and the opposition cheap, and manfully to do their duty. But, recollect, says one older and more wary than the rest, "we shall be beaten, and then we must go out;" whereupon one chorus of indignant virtue is raised—"Who cares for that? Let us go out." "Nothing will be to me a greater relief," says one. "I have long been panting for it," cries another patriot. "The load of the Great Seal," says the noble Lord on the woolsack, "why it is not to be borne." So all seem resolved to do their duty and quit their places. "But, then, just before finally resolving," says a cautious Minister, "just let us consider what will our friends say?" "Aye, truly," answers a Friend, an old and consistent Whig—"truly, that is to be considered—don't let us do anything to offend the party." "Oh, never mind the party," cry the others; "let us stick to our principles, and think only of our character." "Oh, but before making the plunge, only think of the injury which our principles must receive. It is on account of our principles that I am so unwilling to leave our places; who cares for place?—but for principle—it is everything." "Aye, so it is," all answer; "then if this liberal Government is broken up on account of the detestable Poor Law, which I heartily wish I never had heard the name of—then our enemies come in and our principles are gone for ever." This consideration is decisive: it works like a charm; there is magic in the very name of principle—the party must be supported for the principle—the Government must remain in for the principle—the Poor Law must be abandoned for the principle. So a unanimous and most satisfactory conclusion is arrived at by the whole of the firm and virtuous Cabinet, to remain in office at all hazards, and at all hazards to sacrifice the proposed measure, as if it had been an Appropriation Clause, or any other thing to which they were all pledged. Such a scene as he (Lord Brougham) had faintly pourtrayed had been exhibited in past times; such a scene might be exhibited again; against such hazards he felt most anxious to protect the administration of the Poor Law—and if he wanted an instance in which precisely such things as he had been supposing were very likely to occur, he already had it in what already had happened to this Bill. He considered that one of the greatest blots upon the Bill now before them was the clause which had been introduced into it in the other House, providing against the separation of married paupers above a prescribed age; and he tendered his respectful but hearty thanks to the Government for having gallantly opposed that proposition: he could not tell, however, for certain, that they would act so to the end—he had his misgivings. The separation of the sexes in workhouses was a part of the arrangements of the system, and was no part of the law. Now, suppose it had become necessary, for certain reasons, a month or two ago, to issue a general order to enforce that salutary part of the system, which was so much misunderstood, he had great doubt whether—on the eve of a general election—it would not have required more nerve than many Governments possessed to issue so unpopular an order as it would have been represented to be, and to expose themselves to the feeling which might have been excited against them on this ground at the hustings. He had therefore much more than doubts respecting the policy of making the Poor Law become a party measure. Again, the requisite knowledge of the details of the Poor Law Department was not to be acquired in a day, and still less the firmness necessary for the discharge of so delicate and so difficult a duty, exposed to so much obloquy and so much misrepresentation. This firmness was the growth of experience; it was only gained by time and by practice. Yet the President of this Department would, if his Government went out, retire from office before this firmness and this knowledge of the details of his department could possibly be acquired. It was already a great evil that the Ministers who had under their control the affairs of India, as well as other public offices connected with the Government, did not remain in office long enough to learn the details of their respective departments; and here was another public officer, with many details as well as principles to learn, who would not make up his mind to get the habits necessary for the discharge of his duty, if he felt that his tenure of office might not be for more than six months. His opinion was, that the President of the new Board should be unconnected with party—that he should be chosen for life or during good behaviour—and that he should have a seat in Parliament. He thought it better on several accounts that the President should have a seat in their Lordships' House, rather than in the House of Commons. He would not then dread meetings of his constituents; he would not then dread so much the defeat of his party and their going out of office; and he would not dread his own failure of re-election. It had been asked elsewhere of the new President, "Who will elect him?" It was at all events possible that he might lose his seat if he did not take a course agreeable to popular clamour, or to the local feeling of the place he represented. Such a functionary ought to be qualified by knowledge, by temper, by firmness of character, but, above all, he ought to have a seat in Parliament from which he could not be expelled.

The Marquess of LANSDOWNE rejoiced that his noble and learned Friend was convinced, that to detach the Poor Law department from the Parliamentary action of the Government was attended with grave inconveniences. Much of the imputations and many of the accusations to which the Poor Law Commissioners had been exposed, arose from the fact that they were considered a sort of mysterious and irresponsible tribunal; and he firmly believed that they would not have been directed against a responsible officer sitting in Parliament, or if they were so directed, they would have been promptly and completely confuted. He was prepared to contend, however, that very few of the acts of the Commissioners had been open to cavil or objection, though repeated inquiries had been made into their conduct. Hitherto, whenever information was desired in Parliament respecting any act of theirs, it was sought for by the circuitous method of communicating between Ministers and the authorities of the Commission, and not by the direct answer of a public Minister sitting in Parliament. The admission of his noble and learned Friend, that he saw the necessity of giving the chief officers a seat in Parliament, saved him (the Marquess of Lansdowne) from saying more on this point; and he only hoped his noble and learned Friend would also see the necessity of lodging the power of the Commission in the hands of one person, who would be much better able to discharge his duty and vindicate his conduct than if he were bound up with persons exercising an independent or co-ordinate control. The next consideration was one of great importance — should this chief officer be in connexion with the Government of the day or not? From the moment he became convinced of the necessity for the appointment of such an officer, he felt confident that he should possess the confidence of Government also, and should hold his office in connexion with it. He came to that opinion because he could not but recollect that up to the present moment there had been no instance in our political history of any great department existing in Parliament, and, above all, in the House of Commons, not connected with and possessing the confidence of the Administration of the day. The reason was obvious. If the heads of departments were independent of Government, they might be in opposition to Government, and then it would be impossible to carry on the business of the country. It could not be expected that those gentlemen should not take part in the questions before Parliament, in which they might be forced to side with Government or with the parties opposed to it. He had not seen any of the difficulties pointed out by the noble and learned Lord as likely to occur from the connexion of this office with the Government of the day, occurring in other public departments which offered quite as much temptation for the exercise of party objects and influences. The noble and learned Lord was well acquainted with the circumstances of the Board of Control of the administration of the affairs of our Eastern dominions, and knew that time after time different attempts had been made to regulate and control the authority exercised by us over the latter empire, which had always resolved themselves into the avowed necessity that this department should be controlled by a body in connexion with the Government of this country. Let their Lordships just consider also what power the Secretary of State for the Home Department possessed, that they might judge how far this officer of the Poor Law Commission would be open to party influence. On the part of those who had filled the office of Secretary of State for the Home Department, he would say they had performed the most delicate functions —duties most accessible to opposition, and most likely to awaken those morbid feelings of sympathy, day after day, without any such imputations. Life and death lay in their hands—to them was given the power to decide whether or not the last penalty of the law should be put in force against the condemned malefactor. Petitions and representations founded on that morbid sympathy in favour of the criminal were addressed to them as a last resort; and on them the Secretary of State was compelled to pronounce his fiat, and to give advice to his Sovereign. Yet he had never heard of a case in which an attempt had been made for mere party purposes unduly to awaken public sympathy, and to excite against the Secretary of State that torrent of abuse which the noble and learned Lord apprehended would be directed against the authority entrusted with the administration of the Poor Law. He had full confidence that the House might depend on the good sense and proper feeling of the officer in power for the due discharge of his duties, as they did with the heads of other departments. It was undoubtedly an experiment, because the administration of the Poor Law was in itself an experiment; but he did not think that whatever might be the party entrusted with the execution of those duties, they would abuse or improperly fulfil them; and he hoped the House would agree with him in thinking that a member of the new Commission should have a seat in Parliament.

LORD STANLEY said, it was impossible to have listened to what had fallen from his noble and learned Friend, or from the noble Marquess, or to have watched the practical working of recent legislation on the Poor Laws, without perceiving that whatever course they might pursue with respect to that question, must be beset with difficulties, or that, in fact, they were now in the midst of a very serious difficulty. He owned that he fully agreed with his noble and learned Friend in his apprehension of the inconvenience that might result from giving a political character to the discussion in Parliament on the administration of the Poor Law, from the Chief Commissioner being practically a Member of the Administration; and he also felt that there was serious reason to fear that, by so connecting the Board with the Government, they ran a serious risk of altogether unsettling the present system of administering the Poor Law; but while he saw the importance of these objections, he was by no means sure that they would weigh so much with him as to overpower in his mind other considerations which appeared to him to be in favour of the measure. If it were possible so to define the functions and duties of the Commissioners as to render them only administrative or executive officers, without any discretion in the discharge of their duties, it would then be unnecessary and undesirable to subject them to immediate Parliamentary responsibility, as proposed by this Bill; but, after every attempt had been made to effect this object, it was found to be impossible to lay down any one rule for the administration of the Poor Law, and it therefore became absolutely indispensable to invest the Poor Law Commissioners with a most extraordinary character, giving their orders the force and authority of law, and permitting them to exercise, on topics of the most exciting character, a power beyond that of the law and of Parliament. That being so, a direct responsibility to Parliament appeared to be the best, and, indeed, the only check on the abuse of that power which might be apprehended. He also agreed with the noble Marquess that the proposed direct responsibility to Parliament would operate as a great protection to the Poor Law Commissioners themselves; because, no doubt, attacks had been made on the Commissioners which would not have been made, and misrepresentations indulged in which would have been stifled in their birth, had there been a responsible Member of the Board present in Parliament. He thought, also, that it would be of the utmost importance to secure individual responsibility as well as a general Parliamentary responsibility; because hitherto one great fault had been that there were several persons against whom, collectively, charges were made, and who bore those charges collectively; but there was no individual and personal responsibility. The responsibility would be much more effectual if it were centered in one individual. At present the practical working of the system, as regarded responsibility, was most unfortunate, because, while it was divided between the Government and the Commissioners, there was no individual member of either body in whom even that portion or share of responsibility was centered. Nor was there, under the present system, any Member of the Government whose duty it was to make himself practically acquainted with the daily working of the system of Poor Law administration. He admitted that by the proposed arrangement the temptation to attack the Poor Law Commissioners from party motives would be increased; but he thought, even with that disadvantage, the plan would be a better one than the present system, by which the administration of the Poor Law was made a subordinate department attached to the Home Office, for which, however, the head of that Office was not responsible. He thought that the advantages to be expected from direct responsibility would wholly counterbalance any evils that might arise from an increased disposition to make the administration of the Poor Law a field for party warfare. Yet, on the whole, he confessed that it was not without considerable doubt and hesitation that he thus leant to the impression that to connect the head of the Poor Law Board more closely and immediately with the Government, would be advantageous. But, if direct responsibility was insisted on, it would place a person even of the strongest nerves and the greatest firmness in a position very embarrassing, to make him responsible to Parliament in person for the discharge of all the daily functions of his office—to subject him to cross-examination on all his official conduct, without, at the same time, giving him a confident assurance of that amount of support and protection which he would be likely to receive as a Member of the Government. And even, notwithstanding that it had been urged that, on the eve of a general election, a Government might hesitate to give an active support where it might militate against their own popularity, yet, without some such connexion with the Government, he feared that an individual even of extraordinary firmness might be disposed to shrink from so serious a personal responsibility if he felt that he stood alone; and, in making his orders, or in managing the administration, of the law, might rather consider what would save himself from attack, than what would be most for the benefit of the poor. It had also been argued that the head of the department to which the administration of the Poor Law was confided, ought to be a Member of that House. No doubt that might get rid of some of the difficulties of the case; but he must think that there would always arise grave objections to any plan which would require that the medium of explanation between the department and Parliament should be a Member of their Lordships' House, when it was remembered that the subject of the Poor Laws was one on which quite as much, if not more, interest was felt in the other House. For all these reasons, therefore, and although from some objections he entertained he should do so with reluctance, he should give his support to the measure of Her Majesty's Government, as being the best that could be adopted under the circumstances, and one that, at least, ought to be tried. He did not say that he agreed in all its details, but he quite approved of the great principle of the measure—that of making the head of the Poor Law department a Member of the Government, and personally responsible to Parliament.

LORD COLCHESTER objected to the details of the measure. How could they be certain the person at the head of the department would be returned to Parliament? There had been instances when Members of Government were unable to obtain seats in the House of Commons; and it was much more likely that a person obnoxious to so much popular feeling as the head of the Poor Law Commission would necessarily be, might lose a seat more readily. He thought the measure would prove a great difficulty as it now stood, and that it could be greatly improved.

The EARL of ST. GERMANS observed, with reference to the Irish Poor Law, that neither the Chief Secretary to the Lord Lieutenant nor the Under Secretary could give the time necessary for attending to the proper administration of the law; their connexion with it was, therefore, purely nominal, and it appeared to him that their responsibility was altogether illusory. On that ground he apprehended that similar results would ensue in this country from associating with the real working officers of the institution public functionaries who had neither time nor opportunity to fit them for carrying a Bill of that character into practical operation. He thought that the condition of Ireland, with reference to the Poor Law, was not a desirable state of things, and further inconvenience would arise if the office of Lord Lieutenant of Ireland were to be abolished. It was true that they might have a central authority in London, with a Commissioner possessing the power of a Board in Dublin.

The MARQUESS of LANSDOWNE said, that the general merits of the measure having been discussed, he might now say that he saw no objection to delaying the third reading of the present Bill till after the Irish measure should have been fully discussed. The state of the law affecting the administration of relief to the poor was different in Ireland from what it was in this country; and it ought to be different, seeking the marked difference that there existed between the state of society in the one country as compared with the other.

House in Committee.

On Clause 1,

LORD STANLEY said, that he saw no advantage in there being honorary Commissioners. Those public functionaries, who, *ex-officio*, were members of the Board of Control, never really proved to be useful or efficient members of that Board; and the business of it did, in fact, devolve upon the President and the Secretaries. He thought that such a precedent ought not to be followed on the present occasion.

EARL GREY observed, that those officers who were to be *ex-officio* members of the Poor Law Board were more or less connected with the administration of the Poor Law; as, for example, the Chancellor of the Exchequer and the Home Secretary.

The DUKE of RICHMOND suggested that the words should be, not "Secretary of State for the Home Department," but "one of Her Majesty's Principal Secretaries of State." The law of England did not recognise any such division of labour amongst the Secretaries of State as disqualified the one for discharging the duties of any of the others.

Clauses 1 to 8 agreed to.

On Clause 9,

The EARL of ELLENBOROUGH said, there was very little chance that both the officers whom the Bill declared to be eligible to seats in Parliament would get elected.

The MARQUESS of LANSDOWNE observed, that one of them might be a Member of the Upper House—it would then be convenient that the other should have a seat in the House of Commons.

Clause agreed to.

On Clause 10,

LORD STANLEY said, that the appointments of persons employed under the old Commission were immediately to cease and determine on the day on which the Commissioners constituted by the present Bill entered on their office. He thought it a hard provision.

EARL GREY explained that it was absolutely necessary the powers which existed under the old law should cease and determine before those conferred on the new administrative body could come into operation.

After a few words from the Earl of ELLENBOROUGH, Lord CAMPBELL, and Lord WHARNCLIFFE,

LORD REDESDALE proposed to omit certain words importing that, so soon as the Commissioners now to be appointed should enter on their office, all officers appointed and employed by the Poor Law Commissioners should cease to hold their several offices and employments. A great amount of patronage would be thrown loose by that provision just on the eve of a general election.

On question that the words proposed to be left out stand part of the Clause, House divided:—Contents 16; Not-Contents, 14: Majority 2.

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Clause ordered to stand part of the Bill.

Clauses 11 to 22 agreed to; on one of which

LORD LYTTELTON expressed a hope that, as the Government were about to take the administration of the Poor Law under their more immediate control, they would consider the propriety of issuing some instruction or recommendation with a view to classification being adopted, at least to the extent of separating young women and girls of good character from those of bad character. The guardians in many cases had made a regulation to this effect, and the Commissioners had approved of it; but there were unions in which it had not been done, and serious mischief had resulted.

LORD BEAUMONT did not think it would be easy to frame a general order, defining what should be done in this respect; it must be left very much with the boards of guardians.

On Clause 23, providing that married persons above 60 years of age should not be compelled to live apart in workhouses,

The EARL of STRADBROKE mentioned an instance in which a man who had been twenty years in the house under the old system, took means to procure employment and left the house as soon as he found that under the New Poor Law he must be separated from his wife. The clause under consideration would bring a vast number of couples into the workhouses, because they would find that they could be more comfortable there than outside. The law would be much better left as at present, the guardians having power to allow husband and wife to be together where special circumstances were considered to make it right.

The EARL of CHICHESTER was understood to object to the clause.

Clause negatived.

The remaining clauses agreed to after short discussion.

Bill to be reported.

House adjourned.

HOUSE OF COMMONS,

Friday, July 2, 1847.

MINUTES.] PUBLIC BILLS.—1° London Bridge Approaches Fund.

2° Navigation (No. 2); Stock in Trade Exemption; Compensation for Damages (Ireland).

Reported.—Fishery Piers and Harbours (Ireland); Railways (Ireland, No. 2).

3° and passed:—Turnpike Roads (South Wales); Holyhead Harbour; Seduction and Prostitution.

PETITIONS PRESENTED. By Mr. J. Y. Buller, from Dean and Chapter of the Cathedral Church of St. Peter, Exeter, for Alteration of the Bishopric of Manchester Bill.—By Mr. Ewart, from Free Inhabitants of the District of Dungog, in the Colony of New South Wales, against Transporting Convicts to that Colony.—By Mr. Wakley, from John Templer, of Lymington, Hants, for Redress.—By Mr. Busfeild, from Bradford, for Alteration of the Health of Towns Bill.—By Mr. Ewart, from Wine and Spirit Merchants, for Inquiry respecting their Trade.—By Mr. Wakley, from William Cock, Member of the Royal College of Surgeons of England, in favour of the Medical Registration and Medical Law Amendment Bill.—By Colonel Sibthorp, from Clerks, Masters, and Matrons of Workhouses, Relieving Officers, Assistant Overseers, and other Officers connected with the Administration of the Laws relating to the Relief of the Poor in England and

Wales, for a Superannuation Fund for Poor Law Officers.—By Mr. Nicholl, from Clergy and Inhabitants of Cardiff, for Suppression of Promiscuous Intercourse.

COMMERCIAL RELATIONS OF GREAT BRITAIN AND PRUSSIA.

Lord GEORGE BENTINCK: I shall at once take the opportunity of asking the question, with reference to which I have given notice, of the noble Lord the Secretary of State for Foreign Affairs, in regard to the commercial relations between this country and Prussia. About the 4th of June last there appeared in the *Globe* newspaper a paragraph to this effect—that a Berlin journal stated that the Prussian Cabinet had received a despatch from the English Cabinet, announcing that if the States of the Zollverein persisted in introducing a system of differential duties with respect to England, that the English Government would have recourse to reprisals. I have since ascertained that that paper was the *Prussian States Gazette;* and this paragraph having therefore a great semblance of truth, and being of an official character, I take leave to ask the noble Lord the Secretary of State for Foreign Affairs, whether, having now discovered that Prussia is not shaken, he has had recourse to a threat of retaliatory measures upon Prussia, if Prussia persists in her course of protecting duties, and of taking care of the industry of her own people, to the prejudice of the industry of this country?

Viscount PALMERSTON: I do not remember to have seen the paragraph to which my noble Friend adverts; but I can say that that paragraph was entirely incorrect. The state of the case is this:—It is well known that Great Britain and Prussia entered into a convention in the year 1841, modifying to a certain extent the navigation practice of this country. By that treaty certain ports between the Elbe and the Meuse, which were considered to be the natural outlets of certain inland German States. were to be deemed and considered, with regard to our Navigation Laws, as the ports of those States, though they were not, in point of fact, within their territory; and vessels coming from those ports were to be admitted on the same conditions as if the ports from which they came were within the territory of those States. That privilege was granted to the Prussian and Zollverein navigation and commerce, in return for certain privileges which British vessels enjoyed in Prussian ports—not a privilege then for the first time granted, but a privilege which they had enjoyed by the more liberal nature of the navigation system of Prussia. That treaty might be put an end to at the conclusion of the present year, by a notice given before the 1st of July. The Prussian Government has given that notice—they have given notice previous to a particular day, that the treaty shall be at an end with the present year, intimating at the same time, on the part of Prussia and the Zollverein—of which Prussia is the diplomatic organ—that Prussia and the Zollverein were dissatisfied with that treaty, because it does not, according to their view, rest upon the real principle of reciprocity—that our navigation laws do not accord to the vessels and commerce of Prussia and the Zollverein all the advantages which, according to the present state of things, our vessels and commerce enjoy in the States and ports of the Zollverein; and it was intimated that if Great Britain should continue to persist in her comparatively restrictive navigation system, that the States of the Zollverein would think it their interest to establish a differential duty of 20 per cent upon the manufactures and produce and commodities of Great Britain. That is the state of the case. The communication did not begin with a threat of retaliation on the part of Great Britain to compel Prussia to do anything she was not disposed to do; but, on the contrary, there was a communication from Prussia and the Zollverein that if Great Britain did not relax her navigation system, the States of the Zollverein would impose differential duties on the commerce of Great Britain. To that communication an answer was returned, stating that the Treaty of 1841 has been of very little advantage to Great Britain; that a small amount of British tonnage—less than five hundred tons in the whole of the ports—had availed itself of the advantages of the Prussian navigation system; and therefore it really was a matter of comparative indifference to us whether that Treaty of 1841 should continue to be allowed to expire. The communications on the subject can hardly be said to be concluded; I don't know whether the Prussian Government mean to reply to our despatch or not; but I have no objection to lay before the House the Prussian notice with respect to the cessation of the treaty, and the reply of the British Government.

Mr. HUTT: I beg leave to ask the noble Lord, whether Her Majesty's Government has received an intimation from any of the States of the North of Germany that they have it in contemplation to impose differential duties on British vessels importing into Germany the productions of countries other than the possessions of Her Majesty, unless Great Britain will so far abolish her Navigation Laws as to allow German vessels to import productions from all parts of the world into the United Kingdom; and in the next place, whether the Foreign Secretary is aware of any negotiations going on for the purpose of inducing the Hanse Towns to unite with the States of the Zollverein in an arrangement to impose differential duties on the ships of all nations which do not accord to German States the same privileges of navigation which the German States extend to them?

VISCOUNT PALMERSTON: With respect to the first question which has been put to me by the hon. Gentleman, I have only to make the same reply as I have given to my noble Friend opposite. With regard to the second question, it is certainly true that the Prussian Government, as the organ of the Zollverein, has been in communication with the several States of the Hanse Towns, as we understand. We have had no official communication on the subject from the Zollverein or from Prussia; but we have good reason to believe that a person has been sent from Berlin to Hamburg and Bremen, and the other States, to induce the Hanse Towns to become members of the Zollverein; but I believe no disposition has been shown on the part of Hamburg or Lubec to accept the invitation. Bremen is, I believe, more inclined to become a member of it. Bremen is rising rapidly in commercial importance, Bremen looks to great advantages from railway communication in the interior of Germany, and has much more disposition than Hamburg to adopt the corporate system of German commerce; but at the same time I am not aware that any intention is entertained, or has been expressed by Bremen, to accede to the invitation.

THE NAVIGATION LAWS (No. 2) BILL.

On the Question that the Navigation Laws (No. 2) Bill be read a Second Time,

LORD G. BENTINCK: The noble Lord the First Minister of the Crown said the other evening that, if there had been 500 quarters of corn imported in foreign vessels by virtue of the suspension of the Navigation Laws, he should equally feel it his duty to propose the continuance of the suspension of the Navigation Laws until the 1st of March; and I think I may therefore fairly say, that in this proposal for the suspension there lurks a real intention to repeal the Navigation Laws altogether; and that this is nothing but a flimsy pretext by which it is purposed to undermine the principle upon which we continue those laws for the protection of British shipping. On these grounds I feel it to be my duty to oppose the present measure for the suspension of these laws. The noble Lord did lay on the Table of the House a return purporting to be a return of the number of ships with cargoes of grain that have been imported into this country by virtue of the suspension of the Navigation Laws; and I presumed, as that return emanated from the Government, it was the intention of the noble Lord, in presenting that return to the House, to make out a case for himself for the repeal of these laws. I gave my reasons to the House for supposing that that return was incorrect, as regards Ireland at least; and I asked for a further explanation of this return. That explanation has not yet been given us, except as far as London is concerned; and at that port we are told that 136 foreign ships of 8,700 tons have arrived by virtue of the suspension of the Navigation Laws. Now, it does happen that in September last we had 17 ships of war keeping watch in the Tagus to maintain the Queen of Portugal on the Throne—17 ships of war lying there to aid her despotic Government to trample down and crush the liberties of the people of Portugal. If the *Trafalgar*, the *Albion*, the *Queen*, and the *St. Vincent*, had been spared from this ignoble duty, they might have imported all that these 136 ships—which form so conspicuous a portion of the 201 foreign ships that have come into England under this suspension, which figure in this return—have imported. Why, out of these 136 ships said to have come into the port of London laden with grain, no less than 76 are nothing but river craft. Nothing but the lighters and barges of the kingdom of Hanover; and a sort of Humber keels which navigate the Elbe and the Weser, averaging from 25 to 70 tons, but only one of the whole lot reaching 70 tons. So that, as regards the port of London, the importation of vessels of this description is scarcely worth consideration; and the loss of which would have been entirely compensated for if Her Majesty's Government had spared, while it had 17 ships lying in the Tagus in September last, only four of the largest to bring grain from New York. But I will admit that in the winter time, there having come a sudden demand for ships, that the suspension of the Navigation Laws may have been of some service; for we all know perfectly well that so great was the demand for ships in the United States, that freights rose to 17*s*. 6*d*. per quarter for grain, and 12*s*. 6*d*. per barrel for flour. There was plenty of grain at the seaboard, but no vessels to bring it. The ships then were tied by their charters and old contracts, and were not at liberty to fetch corn; but how do matters stand now? I have a shipping return here from New Orleans, dated the 20th of May, which mentions that within a few days the arrival of ships in the port of New Orleans was 108, and that no less than forty ships were lying there at that date waiting for freights. Another return of that date shows that there were 37,000 tons of shipping at New York waiting for cargoes, in consequence of there not being barges sufficient to bring down corn from the interior, and that numberless British ships were leaving New York to seek for timber cargoes in our North American provinces. At the time that statement came from New York, 60 ships, all of large capacity, had left Liverpool for New York and New Orleans in search of grain, but which had not arrived in the United States. So that instead of the freight market being starved for want of ships, it is now glutted, and the freights have fallen from 12*s*. 6*d*. to 2*s*. per barrel for flour. How stands the matter as regards the Baltic? I have a statement in my hand from Mr. Court, secretary to the Underwriters' Association at Liverpool; and he informs me that on the 12th of May last the first ship arrived at Cronstadt from this country, and the total number there waiting for cargoes on the 11th of June was 926. He also informs me that the loss of British shipowners who have sent vessels to St. Petersburg and Riga is expected to be very great, as the supply of ships at those ports is enormous, and out of all proportion to the supply of grain to be obtained. We have no returns as yet of the ships which came from the Mediterranean by virtue of the suspension of the Navigation Laws; but I think it appears from the return lately laid on the Table, that not above one or two have come from the Mediterranean, and that though freights were high at Christmas they will be low in September, as they are now daily falling at Alexandria, Constantinople, and Odessa. Therefore the necessity, so far as the feeding of the people went, for further suspending the Navigation Laws had now entirely passed away. I showed on a former occasion that only three foreign ships had come to Liverpool from New York and New Orleans under virtue of the suspension of the Navigation Laws; and that, together with the fact that the present suspension continues until the 1st of September, shows no very great necessity for its extension to the 1st of March. With respect to those vessels which came from the north of Europe—the seventy-six vessels from the Elbe and the Meuse—they cannot leave those parts after November, when the rivers are usually frozen up. Therefore these small craft, which tell so well in the returns of the noble Lord, will be useless, and the further suspension of the Navigation Laws from November to March altogether inoperative. The further suspension will, therefore, only come into operation with respect to that part of the British trade which is already glutted with shipping. So that in point of fact the question now is, not whether we are to suspend the Navigation Laws to supply a great deficiency of shipping, but whether we are to suspend them as a step to their permanent repeal. If the noble Lord had really desired to assist the importation of grain into this country, he would have done one of two things. He would either have applied those ships of war lying idle in the Tagus to fetch corn from America, or he would have spared those five war steamers cruising off the shores of Portugal, and sent them to Gibralter to tow through the Gut the 600 or 700 grain-laden vessels which lay there wind-bound, and unable to beat through the Channel. The result of not having done so was this—that when the ships arrived here their cargoes were so heated that they stunk so that they might have been smelt half a mile off. Now, if the great care of the Government for the Queen and King Consort of Portugal had not prevented them from sparing those five ships cruising off the shores of Portugal—if they had followed the more provident Government of France, and helped the trade and commerce of this country in the hour of need—the noble Lord would have done far more than he could do by the suspension of the Navigation Laws, and done it not to the injury, but to the advantage of the British commercial interests.

As the question of the repeal of the Navigation Laws is virtually now to be discussed, and not, in fact, its suspension merely, I should like to ask the noble Lord how the Navy is to be manned in future when those laws are repealed? If they are to be repealed so far as to permit the ships and seamen of foreign countries to compete with the ships and seamen of England, he must be prepared to do away with all those regulations which, to a certain extent, cramp and cripple the power of the English shipowner to meet that competition. The Navigation Laws were intended not so much for the advantage of the commercial marine of England, as for the defence of our shores and colonial dominions in time of war. We insist that every British ship shall carry an apprentice and four men for every 100 tons; and why is it that the ships of the United States beat us in competition? Not because, as it has been scandalously and libellously alleged, our captains, our mates, and our officers are not in all things equal and superior to those of all other countries; but because instead of five men they only carry three. That makes it impossible for the British shipowner to compete with the ships of the United States. I have before me a valuable return moved for by the hon. and gallant General the Member for Liverpool, which shows that there came into this country in 1846, 330 ships of the United States, measuring 435,399 tons, and manned by 13,912 seamen. This is a trifle over three men to each 100 tons. But how are British ships manned? We have more than a million tons of shipping manned by 54,000 men, being considerably over five men to each 100 tons. Need it, then, be asked, how is it that British ships cannot compete with those of America? But, Sir, let me ask, if we repeal the Navigation Laws and permit English ships to be manned by three men to every 100 tons, to what extent shall we not diminish the number of the seamen manning our commercial marine, which are our only great security; and if a sudden war should break out, how are we to man the navies of England? In 1813-14 our Navy was manned by 114,000 seamen; at this time we have but 30,000. Where, then, are we to look for security to that Navy unless we do provide that there shall be a surplus; that the commercial marine of England shall be manned by a surplusage of crew from which we may draw our resources in time of war? You will observe that there is forty per cent more men on board the British commercial marine than in that of the United States. We have upwards of 200,000 men in our commercial marine, and we have 80,000 men less in our men-of-war than would be required in time of war; and where are those 80,000 men to be drawn from if you take 120,000 from your 200,000? That is the great question we have now to consider; and this consideration ought not to be lightly lost sight of in the discussion of this question. In France—I know not what the laws of France may be, but I observe in this same return that the ships of France are not manned as are the Americans by three men for 100 tons—nor as those of Great Britain by eleven men for 200 tons; but they have eight men for every 160 tons. In the year 1846, France had 4,765 ships, of 262,938 tons, manned by 21,754 seamen, which gives fully that proportion. The British shipowner is therefore entitled to some protection from the State; he is entitled to something of a monopoly of the carrying trade. It may be said that when the corn laws were repealed, it followed as a matter of course that the Navigation Laws must follow. I confess I feared that would be the natural result; and when I saw the representatives of the shipping interests hurrying on to deprive the agriculturist of his protection, I thought their protection would be the first to follow. It might be that some would think the advocates of protection to agriculture ought to retaliate upon them for their desertion; but I thought then and still think that the shipping interest have superior claims to protection—if they have no claims on us on their own account. And if we regard the supremacy of the British Queen on every sea in the world, we must take care to do nothing which may impair the British commercial marine, which is the strength and stay of this country. But I have one word to say to those scandalous charges, entirely unfounded in truth, which have been urged against the officers of the British commercial marine. We have been told that they lose the trade from not being so capable of managing their ships as the seamen of foreign countries. I suppose next to our own in skilfulness those of the United States are the most skilful seamen. I have a comparative list of disasters at sea which befell the grain-laden ships of the United States, and those of Great Britain, and which left the United States on their way to Great Britain between the 10th of September and the 1st of May. I acknowledge the ships of the United States are more in number than those of Great Britain; but this comparative statement will show, notwithstanding, the result I wish to arrive at. There were 294 British ships, and 450 American ones; of these there foundered at sea three British and twenty-one American. This was in the winter season; and the next item will show the superiority of the English to make a good voyage. There were three British ships put back to port, and seventeen American. Now, in order to provide the people of this country with corn, the Government have suspended the Navigation Laws to encourage foreign ships to import the grain, instead of ships of our own country. Now, we will see how the matter stands with regard to their ability to bring corn to England. There were of British ships that crossed the Atlantic and failed to bring their cargoes safe but six, while twenty-seven Americans had to throw their cargoes overboard; and there were four British vessels stranded, and twelve Americans. I want to know, after that statement, on what grounds any practical man would give credence to the evidence laid before the Committee now sitting on the Navigation Laws? That statement proves, I think, that the hand of the British pilot has not lost its cunning, and that the hearts of British seamen have not lost their courage and energy. Having made this defence for our commercial marine, against those who have so unjustly attempted to run it down; having thus exposed the falsity of the grounds on which some parties attempt to injure the high character of the seamen and officers of the commercial marine of England, I shall move that the Bill be read a second time this day three months.

Lord JOHN RUSSELL: I do not propose to consider, and I hope the House will not consider, this as a question with regard to the maintenance or repeal of the Navigation Laws. Whatever may be the merits of those laws—whether it be right to maintain them entire, or to make certain changes in them, or whether it be right to repeal them altogether—is not the question which is brought before the House on the present occasion. All I have to say, therefore, on that part of the speech of the noble Lord, which occupied a considerable part of what he addressed to the House, is this—I beg to remind the House that when the Committee on the Navigation Laws was appointed, I said that it was a question of the most serious importance to this country; and if, in consequence of the report of that Committee, and of the evidence that was laid before them, it appeared that any alteration ought to be made in the Navigation Laws, that this House would be bound to consider the burdens on the British shipowners, and to take into consideration any disadvantages they might have to contend with, and at the same time to consider any restrictions that might be imposed on foreign shipping. That remark is the answer to what the noble Lord has now said on that point; but I would remind you that the question now before the House is this—whether the present Navigation Laws should be suspended? I think you may suspend laws of this nature without affecting at all the principles on which those laws are founded. For instance, with respect to the corn laws, they have been, within the last fifty years, frequently suspended, sometimes for six months, sometimes for a year, sometimes for two years; and yet a great majority of both Houses of Parliament at the same time maintained the policy of those laws, and declared that on principle they ought not to be altered. So it may be with regard to the Navigation Laws; and I own I am much surprised that the noble Lord should take this course as to the Navigation Laws at the present moment, having consented to the suspension of the corn laws. Although the noble Lord consented to the suspension of the corn laws, he would, I think, be perfectly justified in coming before the next Parliament, and saying, "We have not given up the principle of protection; the Parliament was in error that resolved on giving up that principle." He might require either a sliding scale or a fixed duty on corn, and might say that principle was founded on a better policy than was the repeal of this law. He would be perfectly justified in making such a proposition; and it would, I think, be a curious answer to such a proposal to say, "You have consented to suspend the corn laws in the course of the last year." In the same way as regards the Navigation Laws, it cannot be urged hereafter, as an argument against them, that there was a certain period at which it was proposed to suspend those laws. But the noble Lord, having consented to the proposal for the suspension of the corn laws, says the Navigation Laws ought not to be suspended, What, I ask, was the ground for suspending the corn laws? What but the expectation that there may be a great want of corn and provisions in the country? Therefore the policy of the Government is, that foreign corn should be admitted free of duty into this country; and if it be right that corn should be admitted free, is it not equally right that the vessels in which that corn is to be introduced, should also be admitted on the same terms? If you admit the corn until next March, why not say, whatever be the vessel in which that corn comes, we will ask no question as to the origin of those vessels, or the country in which they were built; but as they bring corn and provisions, which we want, on that ground we will admit them? It appears to me that the two questions stand on a perfectly similar ground; and it is inconsistent on the part of the noble Lord—having with the whole House agreed to suspend the corn laws—that he should now oppose the suspension of those other laws, and seek to impose restrictions on the admission of grain. The noble Lord has said, and said truly, I was prepared to argue that if only 500 quarters came in under the suspension of the Navigation Laws, I should still be prepared to contend that those Navigation Laws should be further suspended. I said so because I think the situation of the country is such that you should impose no restrictions whatever, and that the best course is to make the admission of corn as free as possible, so that the benefit of that admission, be it great or be it small, may be enjoyed by the country. The right principle is assured by removing any restrictions that might prevent the introduction of corn, and that is an argument perfectly good whatever may be the amount of the corn admitted. The noble Lord has referred to the quantity of corn admitted according to this return. I believe with regard to most of the ports in the United Kingdom, from which returns were received, the returns are correct. You will find with regard to London and Liverpool, that the returns are correctly made. With regard to some of the ports, I believe the Custom house made an error, with regard to corn which might have come in if the Navigation Laws had not been suspended; therefore there may be some slight error in the general return; but as to the total amount I believe they represent with tolerable correctness what has been introduced. The amount introduced has been brought in by 538 ships, with a tonnage of 63,555. The noble Lord says it would have been far better to have sent four line-of-battle ships to introduce corn from foreign countries. I answered that question at the commencement of the Session; and I then satisfied an hon. Gentleman who made a Motion on that subject, that in the first place the amount of the tonnage of the line-of-battle ships we should have at our command would be small; in the second place, that it would have taken some time to have fitted out those vessels for the conveyance of corn; that some of the present fittings must be taken away, and that they must be fitted for the reception of cargoes of grain; and that the taking them away from the military service in which they are engaged—supposing any question arose like that respecting Tahiti, which arose a few years ago—would be of great disadvantage to this country, which might find itself crippled by the application, in the manner proposed, of those ships which were necessary for the service of the country for other purposes. And I next urged—which was in my mind the strongest argument of all—that if the State interfered in subjects of this nature, the more it proclaimed it was about to furnish that which commerce usually furnishes, the more it would disturb, disarrange, and discourage the natural trade and enterprise of the country. Now, let us consider what amount of tonnage would be afforded by the *Queen*, the *Trafalgar*, the *Albion*, and the other vessel which has been mentioned. I will take in the first instance the amount of tonnage of two of these vessels. The amount of tonnage of the *Queen* is about 3,104 tons, of the *Albion* is 3,110. Now, suppose you had two other other ships of nearly an equal amount, that would make 12,000 tons that would be applied for this purpose. Now, 63,555 tons is the amount of tonnage which foreign ships have introduced into this country, and which they could not have introduced except for the suspension of the Navigation Laws. And they have done that, leaving to you the employment of those ships of war in any way you may think proper. The noble Lord has introduced a subject which has nothing to do with the question before the House, as to the policy pursued in reference to Portugal; but I would remind him that if those ships were not on the coast of Portugal, they would be in the Mediterranean, or in the Channel, forming part of the force on which in case of necessity the country would rely. Four times as much as those vessels could have done has been done without suffering any of that anxiety which would be experienced if they were engaged in the manner to which the noble Lord has referred, and without any further expense except the natural profit that was made by the merchant. I entirely disapprove of that plan of taking four line-of-battle ships and using them for the purpose of bringing in a certain amount of foreign corn to this country; but, beyond this, let the House consider for a moment, apart from this question of the Navigation Laws, what have been the immense operations that have been carried on in the trade of this country for the purpose of supplying the people of the United Kingdom with food. We had an almost unexampled high price for corn; but, at the same time, the efforts that have been made by the trade of the country have been enormous. Some time ago, the importation was at the rate of 9,000,000 quarters a year: within the last month I think it was at the rate of 12,000,000 quarters in the year, and in some particular weeks it has exceeded that amount; but altogether, I believe, when the accounts are made out it will appear that there has been a greater importation than ever was previously known, and I would say, not less than six millions of the people may have been fed during the course of the year by importations from foreign countries. Compare that with any effort that could be made by line-of-battle ships, and it was owing solely to the enterprise of the merchants and importers. Compare that with any efforts the Government could make, and then you may estimate the effect of throwing open your ports, and allowing a free intercourse with foreign countries. But now, Sir, the noble Lord seems to think that this must be a question of the repeal of the Navigation Laws, because the necessity, he says, has passed away, and there are no extraordinary circumstances to call for it. [Lord GEORGE BENTINCK: I said it will have passed away.] Let me therefore ask the attention of the House to the extraordinary circumstances that have occurred within the last few months. There has been in France a very great failure of the crops. The estimate of France was at one time that they should want eighteen days' consumption; another estimate was that they should want twenty-five days' consumption; and the estimates went so high as to say that forty days' consumption of food would be required by France—and the harvests were deficient, it was thought, to that extent. There was also a deficiency in Germany to a great extent, so much so that corn on the Rhine has risen at times to 90*s.* a quarter, and the peace of the country has been disturbed both in Prussia and other places owing to the extraordinary high price of provisions. There has been a call for the importation of corn into this country from all parts of Europe and America from which a supply could be had, and there has been a very extraordinary supply from America. There has been, as I have said, a considerable importation to this country; but, on the other hand, France has required a great part of the importation from the Black Sea, and the corn which, if there had been a good harvest in France, would have been brought here, has been taken to France for consumption in that country. In the month of January we thought the case so urgent that we proposed the suspension of the corn duties and the navigation laws, and such suspension was at once agreed to. The average price for the six weeks preceding that time was 63*s.* 10*d.* a quarter. In the week preceding that in which the proposition was made, I think the price of wheat was 70*s.* 3*d.* the quarter; and in those circumstances the House agreed unanimously to the suspension of those laws. Since that time there has been a most extraordinary rise in the price of corn; and I believe that corn in the months of March and May rose to 100*s.* and 108*s.*, and I think on one day to 115*s.* a quarter. The price has again fallen; but the average of the last six weeks, by the *London Gazette*, was 94*s.* 10*d.* per quarter; and yet I am now told it is unreasonable to ask the House to agree to a further suspension of the Navigation Laws. Then the noble Lord says that on the 1st of September the necessity will have passed away; but who can assure the country of that? [Lord G. BENTINCK: I said the necessity for the ships.] The necessity for the ships will have passed away! Why, my whole argument is, that if there be any necessity for the corn, there will be a necessity for the ships. My argument is, that if a ship arrives at Liverpool from Havre, and brings a quantity of corn which had been landed there from America and reshipped to Liverpool, you are not to say, "This is American corn, and because it was landed at Havre, and then brought here we will not take that corn—you must take it back again." My argument is, that if there be a necessity for the admission of the corn, you ought to admit it in whatever ships it may come.

And now, I ask, what are the prospects for the next year? However strong may be our expectations at the present moment, who can say that we shall have a bountiful harvest, or that the harvests of the Continent of Europe shall be plentiful? Or who can say that the great abundance with which America was blessed in the last year, will be repeated in the present? Who can say we shall not have in the ensuing autumn a difficulty, not only in procuring a supply of corn in England and in Europe, but also a difficulty in obtaining that large supply which during the present year we have procured from America? Let us not forget with regard to this subject, that with the price of corn so high, and taking into consideration the depreciation of the currency during one part of the past year—let us not forget that which is a most remarkable fact in the present aspect of affairs, namely, that there was also a most extraordinary consumption. I believe that the great number of railway works have in many instances alleviated the calamity under which we are suffering, by causing a considerable demand for labour. When you look to the amount of calls for railways from the month of January to the present, that amount being 21,000,000*l.*, of which it was calculated that 18,000,000*l.* were required for the United Kingdom, it is impossible not to see that the expenditure of any large part of that sum must have led to very considerable consumption—a consumption that would not have taken place if there had not been such an extraordinary expenditure. That consumption, again, leads to an increased price, and of course leaves a less amount of the whole food to be divided amongst the people of the country. While the construction of railways has been in one sense exceedingly beneficial, there are other senses in which it aggravates the difficulty, and at all events in this sense, that there is a much greater consumption than ever previously took place, notwithstanding tho high price of provisions; and that extraordinary consumption must tend to make the quantity of food in the country less for a part of the people than it otherwise would be. Taking all those questions into consideration, the general result is, that it ought to be the policy of Parliament to open the doors as widely as possible for the admission of food, and to take away every restriction that would prevent a single quarter of corn from coming into this country. If you mean at all to keep up the manufactures of the country, and to make a provision for the labouring poor—looking also to the state of the revenue—the course to pursue is to adopt a policy on this occasion that is favourable to the free and indiscriminate admission of corn. Coming to that conclusion, I cannot agree to the plan of the noble Lord; and again I say I will not on this occasion discuss the weighty question of the Navigation Laws, which most probably will be brought under the consideration of Parliament when the evidence taken before the Committee has been considered. For my part, I promise to-day to give the most serious attention to that evidence when it is produced. There is no question which has a more serious aspect, as relates to the state of our commercial marine; as relates also to our naval power, and likewise to the general principles of freedom of intercourse. There is no question which has so many and various aspects that deserve to be considered, as that of the Navigation Laws; and I should be unwilling to discuss that question at the close of the Session, with a Committee sitting that have as yet made no report on the subject. The noble Lord is not justified in supposing that any determination has been come to by me on that subject. I assure the noble Lord I shall be ready to consider the determination which ought to be taken with reference to the general principle and effect of these laws, also with reference to the altered state of the world, and lastly and most deeply with reference to the naval force and supremacy of this country.

Mr. RICARDO was surprised that the noble Lord (Lord G. Bentinck) should have described this measure as a flimsy attempt to undermine the Navigation Laws. He thought the noble Lord must be influenced in his present opposition by other objects than those he avowed; he could not help thinking it had some election purpose. All the arguments on which the noble Lord supported the suspension of the Corn Laws, applied to the suspension of the Navigation Laws. In that suspension of the Navigation Laws which had already been agreed to, the interest of the consumer had been consulted with advantage, and no injury whatever had been done to the shipowner. The public had now had an opportunity of contrasting in the strongest manner the effects of the old system, and the results of the policy already partially adopted; and he had no doubt whatever that the opinions of those who had hitherto deprecated any permanent change, would be considerably modified by the evidence which had been recently laid before the Navigation Committee. It was, however, now premature to discuss the general question; but, whether the Bill before them were accepted or not, he warned the House that, ere a long period had elapsed, they would be called on to consider if the best interests of the nation and of all parties would not be consulted by a total abandonment of some portions of the Navigation Laws?

MR. LIDDELL had listened with great satisfaction to the declaration of the noble Lord, that, though deeming this to be a necessary measure, he and his Colleagues would reserve their opinions upon the general question of a repeal of the Navigation Laws. He quite concurred with the hon. Gentleman who had last spoken, that this was not the fitting occasion to enter on a comprehensive discussion of those laws; and he also thought that this was not the House of Commons by whom the decisive opinion ought to be pronounced. It appeared to him that the noble Lord (Lord J. Russell) had completely misrepresented the arguments urged by his noble Friend (Lord G. Bentinck). The noble Lord seemed to think, because his noble Friend had consented to the suspension of the Corn Law, that, therefore, as a logical necessity, he had agreed to the suspension of the Navigation Laws for a still further period. Even admitting that the suspension of the laws referring both to ships and corn had once been politic, yet now, finding that freight had very considerably declined, so as not to exceed the ordinary average of freight all over the world—finding at the same time that though ships were plentiful, corn was scarce—they might, without the slightest inconsistency, consent to measures to supply the country with corn, and nevertheless oppose the abrogation of laws upon the continuation of which they believed the prosperity of their commercial marine must always depend. To suspend them from September for six months longer, would derange trade, while it would confer no benefit on the shipowner; because the ports of the north would be then closed from natural causes, and at other parts of the world corn freights at that period would not be obtainable. His noble Friend had charged the Government with having neglected to apply all the means at their disposal to the assistance of trade in supplying the people with food. His noble Friend, however, had not, as had been represented, censured the Government for not using the ships of war in the conveyance of corn. All he said was, that there were five war steamers cruising off the coast of Portugal to no purpose whatever, which might have been made eminently useful in tugging into port the 600 or 800 wind-bound corn-laden vessels on the coast of Africa and in the Gut of Gibraltar. All these vessels had been detained by adverse winds; and in consequence of their late arrival in this country much suffering had been caused, and the cargoes of many of them had been spoiled and rendered worthless. There could be no doubt whatever of the services which had been done by the activity of merchants; and it was satisfactory to find, as stated by the noble Lord, that the energy with which the ordinary trade had been carried on, had provided 6,000,000 of the population with food; but still the argument of his noble Friend was true as regarded those particular vessels, and demonstrated the further benefits which the country would have derived at such a time by such an employment of the war steamers off Portugal. The noble Lord (Lord J. Russell) had declared, that, whether the benefits from the suspension of the Navigation Laws proved to be great or small, he should yet consider it to be his duty to recommend such a Bill. Now, the House would recollect that at this moment a vigorous assault was being carried on against those laws; and they could not but apprehend danger to the permanent continuation of the system, if now, without sufficient reason being shown, they consented to the temporary suspension; and if it could be shown that but slight advantages were to be gained from the suspension of the law, they would be perfectly justified on general grounds in resisting such a measure. He, however, did not wish to avail himself to the utmost of that argument. They were fully sensible of the imperative necessity imposed upon them of, in the first instance, providing food for the people; and from no consideration of their own interests would the shipowners ever think of opposing any obstacle in the way of the furtherance of such an object. But the absolute necessity must be proved. The danger of giving way in a question of the kind was, that those who were adverse to the law would make use of the concession as an argument in favour of its total repeal. He would not support a total repeal of the law; he saw no necessity for such a hazardous experiment, when, as in this case, it was in their power, by an Order in Council, or by a vote of that House, to remove restrictions which sometimes, in periods of extreme distress, might be objectionable, but which generally were found to operate without injury to any class. Discussion, however, on that question must be reserved. The noble Lord had pledged himself, on the part of the Government, not to anticipate the evidence which was now being taken before the Committee; and he (Mr. Liddell) would therefore concede this point. He implored the noble Lord to give his dispassionate attention to the consideration of the Navigation Laws, with which, as he had admitted, were connected great national interests. He entreated the noble Lord to keep himself free from the bias of preconceived feelings in favour of free trade, and from all representations as to a fanciful analogy between laws giving protection to agriculture and laws affording security to British shipping; and if his powerful and comprehensive mind was fairly directed to the subject, he (Mr. Liddell) was satisfied that, with the firmness which he had so often exhibited, the noble Lord would resist the repeal of those laws, if the measure could only be urged on him on the ground that the concessions to the principles of free trade rendered a further step in that direction indispensable.

Lord J. RUSSELL merely rose to say, that the hon. Gentleman had understood him quite correctly. He did not intend, in proposing a suspension of the law, to prejudge or pledge himself to the question.

Mr. TRELAWNY believed that this Bill was called for by the peculiar circumstances in which the country had been placed. He did not fear that any injury whatever would be done to the shipowner, or that the pre-eminence of our commercial navy would be at all diminished; and though corn might be scarce and ships plenty, the suspension of the Navigation Laws (as we understood the hon. Gentleman to say) would keep down freights, and so prevent the food of the people reaching an exorbitant price.

Mr. S. HERBERT could not imitate preceding speakers in promising not to enter upon the general question, because he feared that, like those Gentlemen, he would not be able to keep the promise. As to this Bill, however, he should have been willing to support it, even had the suspension been proposed to be continued to a more distant period than March, 1848. He was one of those who for some time had taken the gloomiest view of our prospects of procuring food to meet the wants of our population, and especially the wants of the people of Ireland during the next year; and even though he considered it probable that there were more ships in proportion than the corn to be imported, he thought it would still be very dangerous to interpose between the consumer and producer, even in the smallest degree, any accession of prices. So far from thinking any argument which could now be brought forward ought to prevent them in September continuing the suspension, he was of opinion that the discussion on the subject could not come on at a more unfortunate time for those opposed to the repeal, than when the people, suffering perhaps from high prices, would be disposed to attribute all their sufferings to the operation of the Navigation Laws. They ought not to be discussed when they could not be considered fairly and impartially, and when the people would look upon them with suspicion; and for these reasons it was desirable that the suspension should not be continued for any shorter period than that ending in March next. But he wished likewise to call the attention of the Government to a subject which, though not directly connected with this question, had a somewhat close relation to it—he meant the subject of agricultural statistics. As an individual Member of Parliament, it was not for him to say what Bills the Government ought to favour or oppose; but he must say that, considering the state of the corn market during the last year, and the uncertainty that prevailed from the ignorance which existed as to the real extent of the crops, it must be matter of regret that means were not taken to ascertain from the home grower the amount of our supply; not that such returns were likely to be very accurate, but they would have afforded at least some data by which a knowledge might be obtained of what the probable supply of grain was. He therefore regretted that the Government had not allowed the Agricultural Statistics Bill to pass during the present Session, in order that for this year they might have obtained information which must have proved exceedingly valuable. Having the experience of last year before them, and having the prospect of a continuance of the same sufferings, he regretted that the Government should have prevented the passing of that Bill, which, if ever it could be useful, must have been especially so during the present year.

Mr. MITCHELL said, the noble Lord the Member for Lynn had referred to the great extent of shipping now available. Every one knew that there might be a temporary glut of shipping at a particular port; but the question was, whether ships could be chartered to load corn at foreign ports at lower rates than existed at the time the suspension of the Navigation Laws first took place. He maintained, that taking a practical view of the question, there was no better ground for resisting the suspension now proposed, than there was six months ago. Indeed, he was persuaded that the necessity for further suspending the Navigation Laws was greater now than it was then. The proposal of the noble Lord the Member for Lynn that ships of war should be employed in the importation of grain, was one of the most singular proposals he had ever heard made in that House.

Mr. CHAPMAN must candidly acknowledge, with the hon. Gentleman who had just sat down, that to send men-of-war to import corn would not be advisable nor politic; and he believed that our mercantile marine would be quite sufficient for that purpose. He did not intend to oppose the suspension now called for; but he should have been glad to have heard from the noble Lord that the countenance of this measure was not meant as a stepping-stone to the permanent repeal of the Navigation Laws, which he considered had been the means of greatly promoting the safety and prosperity of the country. He could have wished also that the noble Lord had attended rather to the evidence taken before the Committee on this subject, than to the report which they had made. It appeared to him that a majority of the Committee had been guided more by their preconceived notions of free trade, than by the evidence either for or against the continuance of the Navigation Laws; and from their views he entirely dissented. When he considered that the naval superiority of this country was maintained by those who had been trained in our commercial marine, he must raise a warning voice against any measure that might tend to injure that body; and he therefore hoped that the present suspension of the Navigation Laws would not be made a stepping-stone to the total repeal of these laws, which had a most intimate connexion with the well-being of the country.

Lord J. MANNERS was surprised to find that so much had been said about the proposition of his noble Friend the Member for Lynn with respect to men-of-war being employed in the importation of grain. That proposition was not made as the best that in ordinary circumstances could be adopted; but it proceeded on the assumption always alleged by the Government that the calamity was great—that the danger of a limited supply of food was imminent—that, in short, the calamity was so awful, that all the common means of obtaining food were insufficient; and that, therefore, the most extraordinary ought to be resorted to. Admitting the interference with trade that the employment of men-of-war would cause —admitting, indeed, every possible objection, still, he maintained that there was a justification of that proposal to be found in every speech that had been made. The principal proposal of his noble Friend, however, namely, that steamers should be employed, had not been answered by any one. The noble Lord at the head of the Government ended his speech by saying, that so great was the danger, so appalling the results that would follow from the famine, that though the benefit to be gained from the present suspension might be small, still they ought to do what they could to keep the ports of the country open to the importation of food, however little that importation might be; but why did the noble Lord not meet the great difficulty that lay in the way of importation? What was it that placed the greatest restriction on the importation of corn? It was the contrary winds and adverse tides; and those could only be successfully met by the employment of steamers to bring into our harbours the ships which, as in the case of those that so long lay in the Straits of Gibraltar and other places, were unable to reach our shores. Such was the proposal of his noble Friend; and, undoubtedly, it was one of the best means of importing grain into the country. The hon. Gentleman the Member for Stoke had admitted that no more ships had come under the suspension of the Navigation Laws into English ports than would have come in had they not been suspended; but he said again, that great benefit had accrued to the country from the suspension of those laws in the facilities given to the importation of corn, and its consequent greater cheapness. If so, then it came simply to this, that the price of corn had been reduced, but that the quantity of grain had not been materially increased. Such, at least, was the conclusion which the statement of the hon. Gentleman had produced in his mind. The hon. Member for Stoke said he could not conceive any ground for the opposition of the noble Lord to the suspension, unless it was that he wished to do so for an electioneering purpose. Why, if the sentiments of hon. Gentlemen opposite on this and other subjects were as popular with constituencies as they represented them, what possible advantage could it be to his noble Friend, just when they were going to their constituents, to oppose a measure which, on the first blush of it, had so much the appearance of being a humane and merciful measure; and which measure was said by the hon. Gentleman to be in accordance with those principles that were believed to be so triumphant throughout the country? With respect to the general question—after the declaration of the noble Lord at the head of the Government—he thought they might place the most implicit reliance on the fairness and impartiality with which Government would come to a decision on the subject next year; but he would suggest to the noble Lord, whether, when they enforced the suspension of the Navigation Laws, the shipping interest had not some reasons to complain of the heavy duties they had to pay — for example, on policies of insurance? Those duties were most obnoxious in practice, and objectionable in principle; they were duties that ought never to have been imposed; and the present was a fair and legitimate opportunity of at least suspending them. He trusted that Her Majesty's Ministers would introduce a clause into the Bill in Committee for suspending these objectionable duties, and thus give a pledge to the shipping interest that they were fairly inclined to take every step that could tend, not only to secure the naval supremacy of England, but increase the efficiency of our mercantile marine. He could only say, that he placed the greatest confidence in the impartiality of Her Majesty's Government, and that, in those circumstances, he could have no objection to the proposal now before the House.

Mr. HUDSON considered that the House was much indebted to the noble Lord (Lord G. Bentinck) for the way in which he had introduced his views on this subject. One of the objects of the present discussion was to obtain the assurance that the present suspension of the Navigation Laws would not be used as a reason for their total repeal. This object had been attained; for the noble Lord had stated that he would make no use of the suspension to promote a total repeal. They had, however, received no answer to the statement that there was no necessity for further suspension, seeing there were more ships than there was corn to be brought into the country. Still, he did not think it would be wise to obstruct the Government in this matter, as there might be a feeling in the country that suspension would be of service; and he did not think that the prospects of the country were sufficiently developed to enable them to run any risk in the matter.

Mr. FORSTER hoped that an opposition would not rise in the country in favour of the shipowners during the elections like that which had been raised in 1841 in favour of the farmers; for, if it were so, the shipowners would not unnaturally conclude that their fate would be the same.

Lord G. BENTINCK said, after the declaration of the noble Lord, upon which he placed the utmost reliance, that he would give his unbiassed and impartial judgment to the evidence taken before the Navigation Laws Committee, he should not put the House to the trouble of dividing.

Bill read a second time.

STOCK IN TRADE EXEMPTION BILL.

On the Motion that the Stock in Trade Exemption Bill be read a Second Time,

Sir R. H. INGLIS said, so long as he had had any hope that Her Majesty's Government would take up the general question of rating, he had abstained from offering any formal opposition to these Suspension Bills; but, as he had been unable to extort from the present or the late Government any such promise, and as he felt that this suspension of the law pressed hard upon a great body of Her Majesty's subjects, he considered it his duty to call the attention of the House to the subject. It could not be denied that, by the existing law, titheowners were in a very different condition from that they would be in, if stock in trade were not exempted, or if the pledge, given when tithes were commuted, had been observed; and if all that property which was actually rated to the poor, had continued to be rated in the same proportion. Without raising the question, whether other property, that is to say, stock in trade, ought, as was held in a celebrated case, to be included in a rate, it was sufficient for him to enunciate the fact, that these suspensions of the law which yearly exempted stock in trade from being rated gradually, changed the law without any discussion of the principle in that House; and that such a course was most unconstitutional in the abstract, and most injurious in practice to the parties affected. In the present very thin state of the House, he would not enter into details to show the hardship of the exemption. Whatever might have been the objection formerly to rating stock in trade, from the difficulty of assessing it, that objection could not apply after the income tax. The titheholders, or rather those holding rent-charges, suffered much hardship since the Tithe Commutation Act; in some cases paying on an assessment of 180*l.* where formerly they would have paid on an assessment of 80*l.*, though by the very words of the Act the existing liabilities and proportions were to be continued. If it were the intention of Parliament to exempt this property, let it be done by a general measure, which might be discussed. The hardship of the present state of things was this: a farmer was assessed to the poor rate in respect to a sum assumed to bear some proportion to his rent; the titheholder, in respect to the gross and ascertained amount of his rent charge; the farmer's sum did not represent, perhaps, a third of his receipts, whereas the exact sum paid as tithe-rent charge was known and assessed accordingly; while, on the other hand, a large amount of rateable property, namely, stock in trade, escaped altogether in fact; and, by these Suspension Bills, escaped by law from year to year. If stock in trade were rated, the titheholder would have less reason to complain. He appealed to the right hon. Baronet and to the House not to countenance this continued suspension of the law, unless Her Majesty's Government were prepared, as he trusted they were, to pledge themselves that, early in the next Session of Parliament, they would take the whole subject into consideration; otherwise he should feel it his duty to take the sense of the House.

SIR G. GREY did not deny that there was considerable inconvenience connected with these Suspension Bills; but he must remind his hon. Friend that, in 1840, the Court of Queen's Bench had decided that these rates were bad, because stock in trade was not included. The effect of this decision was, that it became impossible to make a rate in any parish in England that could be legally levied. The attention of the Government of that day had consequently been called to the subject, and a Bill was brought in by the then Attorney General, which exempted stock in trade from rating, on the ground of the difficulty of assessing the different classes of property comprehended under that term, and because, although, according to the strict letter of the law, stock in trade was liable to be rated, it had been practically exempted, and the object of the Bill was to make the law conform to the practice. That Bill passed that House, and went up to the other House; but, in consequence of the lateness of the Session, it was withdrawn, and a Suspension Bill was thus forced upon the Government, which had not had time since to consider the whole question. The subject required careful consideration; and if he gave a pledge to the hon. Baronet, he might not be able to redeem it: but he could assure him that the subject should receive the consideration of the Government, and he should be glad if he were able to frame a measure that would be practicable, and, at the same time, satisfactory to the House. If the hon. Baronet divided the House in its present state, the effect would be to reject the Bill, and render it impossible to make a rate that could be levied.

SIR J. TROLLOPE understood the wish of the hon. Baronet the Member for the University of Oxford to be, that the Government should give some pledge that this subject should be taken into consideration in the course of the next Session of Parliament. The right hon. Baronet had evaded that point, and did not seem prepared to give such a pledge. It was not his (Sir J. Trollope's) desire, as a member of the landed interest, to press the Government to take the burden off their shoulders, and place it on those of others; but he did anxiously wish that the Government would put the agricultural interest upon an equal footing with all other interests in respect to rating.

MR. HENLEY agreed that it was inconvenient to suspend a law annually; but in mercy to the ratepayers it was necessary to do so; for in 999 parishes out of 1,000 the present law regulating the mode of rating was impracticable. It had been found impossible to separate that portion of a farmer's stock which was liable to be rated from that which was exempted from rating, and that was the reason why this system of rating had fallen into disuse. He was certain, that unless the law were suspended, the result would be, that in every parish in England litigation would be carried on to so great an extent that the proportion of the expenses which the litigants would have to bear, would be greater than an extra rate they now had to pay by reason of this portion of agricultural property being exempted from the rate. The clergy were, of course, more immediately concerned in this matter; but they might depend upon it they would lose a great deal more than they would gain if they persisted in bringing this description of property into the rating.

MR. NEWDEGATE said, that on examining the tables of assessment in that district of Middlesex in which he acted as commissioner, he found a great inequality to prevail in the mode of assessing property. Agricultural property was often rated at four-fifths of the full value, while other property was only rated at two-thirds. He trusted, that this discussion would not be without its fruit, and that some more equitable principle of assessment would be adopted.

MR. HUDSON wished to draw the attention of the Government to the present mode of rating railways to the poor. Railway companies were rated upon the amount of their profits, while farmers were only rated upon the amount of their rent. This imposed a much heavier charge upon the railway proprietors than upon other descriptions of property. He hoped the Government next Session would bring forward some measure to put all parties on a fairer footing. He considered the present system of rating to the poor very defective, and in many instances very oppressive and unjust. He would exonerate all cottages and houses below a certain amount of rent from the payment of rates altogether. It would be honourable to Parliament and beneficial to the country to establish such a law. He had long entertained the opinion, that the proper way of maintaining the poor was by grants from the general taxation of the country. He was, however, so fully aware of the many objections that might be urged against such a system, that he had never felt it his duty to suggest it to the Legislature.

MR. CRIPPS wished the right hon. Gentleman the Lord Mayor of York could get the farmers rated upon their profits, instead of their rental; if that were the system, he believed that the contributions of the farmers to the rates would not be so great as they now were.

SIR R. H. INGLIS said, that in the then state of the House he would not divide it on the Bill, inasmuch as the Motion would be lost, without his object being gained; but he trusted that if the right hon. Gentleman the Secretary for the Home Department could not pledge himself to bring in a measure, the Government would at least take the subject into their consideration during the recess, and that if they were not prepared with a measure by the next Session of Parliament, they would intrust it to a Committee.

LORD G. BENTINCK regretted that a measure of so much importance should have been discussed in so thin a House. Only one Minister was present on the benches opposite. That was one of the disadvantages of working double tides. He could not understand upon what principle other descriptions of property, as well as land, should not be rated to the poor. He lamented the scanty attendance of Members, and thought the Government were not justified in calling the House together at that hour, unless they were prepared to keep a sufficient number of Members in the House to ensure the Bill a full and fair discussion. He moved, therefore, that the Speaker count the House.

A number sufficient to constitute a House was present.

Bill read a second time.

SUICIDE OF PRIVATE RADCLIFF.

MAJOR LAYARD had a question to ask the right hon. Gentleman the Secretary-at-War upon a subject which he approached with very great regret, because he was obliged thereby to bring the name of a gallant and highly-esteemed officer under the notice of the House. He begged to trespass upon the attention of the House and the right hon. Gentleman, whilst he read a paragraph from a Dublin newspaper, *Saunders' News Letter*, of the 26th of June, relating to an occurrence which had taken place at Ballinasloe, on the 22nd June. The paragraph was as follows:—

"Ballinasloe, June 22.

"A truly melancholy circumstance occurred this morning at the barracks of the infantry regiment (75th), by the deliberate suicide of a soldier named John Radcliff. It has created very considerable sensation through the town; and, as far as I can learn, his fellow-soldiers are filled with deep regret, as the poor fellow was liked amongst them.

"In the *Western Star* of Saturday last, the circumstances are detailed of the attempt to shoot Sergeant-Major Trout, of the 7th Hussars, a troop of which regiment is stationed here. It appears that Smith, who fired at Trout, made an endeavour to prove that he merely fired powder; and as it was necessary his pouch should contain the usual quantity of ammunition, it is supposed—indeed, I believe it is well known—that Radcliff procured for Smith a ball cartridge. This, however, does not prove he was accessory to the act. On this supposition Radcliff was put under arrest, and a report made to Colonel Halifax at Athlone.

"Previous to parade this morning, and in compliance with the order, Radcliff's hair was cropped close, and after being paraded he was led back to the guard-room in company with a corporal and two privates. Immediately on his entering the room he seized a razor, and instantly drew it across his throat, which divided the principal vessels of the neck.

"Doctors Horan and Heise were immediately in attendance, but he scarcely survived half an hour.

"William Kenny, Esq., coroner, afterwards held an inquest; and after the examination of Lieutenant Goodwyn, and the soldiers in charge of the unfortunate man, the evidence being carefully taken down, the jury returned the following verdict:—

"'We find that the deceased, John Radcliff, came by his death in consequence of having inflicted an extensive wound on his throat with a razor, whilst labouring under temporary derangement, induced by the extreme severity of the order from Colonel Halifax produced in evidence. "ISAAC D. FAUCETT, Foreman.
(For self and fellows.)

"'Ballinasloe, June 22, 1847.'"

The newspaper account was followed by the order and a memorandum, which seemed to be explanatory of the circumstances alluded to in it. It ran thus:—

"Athlone, June 21, 1847.

"Private Radcliff, after his hair is cut close, to be paraded in the company's room by Lieutenant Goodwyn before his men, and the following memorandum read:—

"'MEMORANDUM.

"'Private Radcliff's hair will be cut quite close to his head, and he will be kept in the strictest confinement, and every man seen speaking to him is to be immediately confined, and punished for disobedience of orders.

"'He will also be marched a prisoner on Wednesday next, at five A.M., to Athlone, handcuffed, and be prepared to take his trial by a 'general' or 'district' court-martial; and most assuredly he will receive the severest punishment that can be inflicted.

"The Lieutenant Colonel cannot too strongly express his indignation at the detestable part taken by private Radcliff in the transaction in question, thus bringing the corps in an odious light before the public, and also his mortification that so worthless a man, so vile a soldier, should belong to the ranks of the 75th regiment.

"'Arrangements must, if possible, be made for sending the wife of the prisoner to her friends, as her name will be erased from the books at the end of the month.

(Signed) "'R. D. HALIFAX,
Lieutenant Colonel, commanding 75th Regiment.
"'(True copy)
"'R. BROOKES, Adjutant.'"

It was with deep regret that he brought the name of Colonel Halifax before the House in such a manner; but he would not be doing his duty if he did not ask the right hon. Gentleman, whether the order in question and the entire case had been as yet brought before the Horse Guards, and whether the gallant Colonel was considered to be justified by law in issuing such a memorandum and order?

MR. FOX MAULE said, that it was an extremely painful position in which he found himself placed, in being obliged to explain to the House the circumstances of this melancholy case. His hon. and gallant Friend had done no more than justice to the gallant officer, when he stated that Colonel Halifax bore the highest military character. He was a man in every respect fit to be entrusted with a military command. The circumstances of the case were, that on the evening of the 18th of June, a private of the 7th Hussars was guilty of the gross crime of firing at the troop sergeant-major. Fortunately the attempt to murder the sergeant-major did not succeed, but the ball which had been discharged at him was picked up and found to have been flattened against the wall behind where he had been standing when fired at. This passed at 10 o'clock on the night of the 18th of June. It would be within the knowledge of every Gentleman connected with the military profession, that the detection of the man who fired the shot was inevitable, as soon as the ammunition served out to him, and in his charge, came to be examined. That was done on the following morning; but between the period when the shot had been fired, and the time of the examination, the man Smith succeeded in procuring a ball to supply the place of the one which had been fired. He (Mr. F. Maule) should say, that he believed it was a ball cartridge which he had fired at the sergeant-major, and not a blank cartridge, and he said so because the man (Smith) in his defence had stated that it was only a blank cartridge, and not a ball which he had discharged. In the morning of the 19th, it was reported to the officer of the company to which the unfortunate man (Radcliff) belonged, that he was the party who had furnished Smith with the ball, for the purpose of enabling him to make the statement, that he had fired only a blank cartridge, and thereby defeat the ends of justice, and probably cast a suspicion of the commission of the crime upon an innocent person. The fact of this unfortunate man having supplied the ball to Smith having been communicated to the commanding officer of his company, and by him to the commanding officer of the regiment, and the fact having been proved, it was undeniable that the man Radcliff was guilty of a most atrocious crime. Colonel Halifax was jealous of the honour of his regiment, and anxious that it should continue to uphold the high character which the 75th had hitherto borne both in the presence of the enemy of the country and in the time of peace. Viewing with detestation, as a man of high honour should view such an atrocious crime, he published the memorandum upon the subject which the hon. and gallant Member had just read to the House. If the gallant officer had taken time to reflect, he might have seen that he was branding the man by ordering his hair to be cut off, and he might not have issued the order; but under all the circumstances, he might have considered himself justified in branding such a man. In reference to the unfortunate event which had taken place subsequently—he meant the suicide of the unfortunate man—he must inform the House that from an investigation which he himself had instituted into the matter, he could not bring himself to agree with the verdict of the coroner's jury. He did not think that it was "the extreme severity of the order from Colonel Halifax" that had induced the unfortunate man to commit suicide. It appeared that upon a former occasion the unhappy man, having been confined for having been found drunk, had attempted to commit suicide whilst in confinement. On another occasion, fearing the result of his bad conduct, he had threatened to put an end to himself. These things being taken into consideration, showed what were the tendencies of the man's feelings and disposition. He did not, therefore, think that it was the severity of the colonel's order that had led to the commission of the act; and he trusted that the House would not ascribe to Colonel Halifax anything prejudicial to that officer's high honour and his sense of justice and good feeling.

Subject at at an end.

THE PROPERTY OF JOHN TAWELL.

Dr. BOWRING wished to ask the Attorney General whether the property of Tawell, who was executed for murder, and respecting which an official inquiry had lately taken place, would, instead of escheating to the Crown be restored to his widow?

The ATTORNEY GENERAL was obliged to his hon. Friend for giving him an opportunity of explaining to the House how much the public had been misled by the reports which had appeared in the newspapers on the subject of the late inquiry into the property of Tawell. The House was aware that the usual practice had been to grant on the part of the Crown the property of persons whose property had fallen to the Crown in consequence of their conviction for felony, to those parties who would otherwise have been their natural heirs. In the particular case before them, a petition had been presented, as usual, by Mrs. Tawell, praying for inquiry, in order that the property might become vested in the Crown in favour of herself and her children. He had accordingly signed the fiat; and he was astonished to see the charges made subsequently in the newspapers, after the fiat had been issued at Mrs. Tawell's own request.

SETTLEMENT IN LABUAN.

Mr. EWART inquired of the Under Secretary for the Colonies what measures had been adopted for the establishment of a settlement in the Island of Labuan, on the coast of Borneo, ceded to the British Crown in December last?

Mr. HAWES begged to say that Her Majesty's Government fully appreciated the importance of a settlement in the island of Labuan; but there was no desire on their part, or that of the Colonial Office, to multiply their colonial establishments, and therefore some time had been taken to communicate with parties most likely to give information to the Colonial Office. The subject was receiving the best attention of the Colonial department.

THIRD REPORT OF THE RELIEF COMMISSIONERS (IRELAND).

On the Question that the Order of the Day be read,

Sir D. J. NORREYS requested to know whether the noble Lord would grant the return of which he had given notice, to ask, namely—

"That there be laid before this House so much of the correspondence or reports of the inspectors under the Act 10 Vic. c. 7 (with the name, rank, and residence of the parties referred to) as sustains the statements made by the Commissioners of Relief in their Third Report condemnatory of the conduct of Committees, or of individuals, in carrying out the provisions of the said Act."

He hoped the noble Lord would allow it to be granted as an unopposed return.

LORD JOHN RUSSELL, considering the evil which had resulted from the publication of former reports of inspectors and other officers to the Commissioners of the Treasury, was not inclined to indulge the hon. Gentleman by saying that they (the Government) should give the reports of the inspectors with regard to the names, ranks, and residences of the different parties, being landowners in Ireland, whose conduct had been impugned. What he had done was this, he had brought the report of the Commissioners under the special attention of the Lord Lieutenant of Ireland; and the Lord Lieutenant was about to cause an inquiry to be forthwith made into the particular cases, after which he would institute, if he thought fit, such farther and more extensive inquiries as he should deem necessary.

SIR D. J. NORREYS felt exceedingly dissatisfied with the answer which the noble Lord had given to his question. He thought, in fact, it rather made matters worse than they had been before. His answer appeared to be, that he would not agree to institute an inquiry into the conduct of all the gentry and landowners of Ireland, whose conduct had been openly impugned. Now he (Sir D. J. Norreys) distinctly repudiated the charges that had been made against the gentry. If there had been individuals in Ireland who had misconducted themselves in the carrying out of the laws for giving relief to the destitute, he called upon the noble Lord to hold them up to scorn; but he also called upon the noble Lord to show whether they (the Irish gentry) were all guilty. He should separate the innocent from the guilty, and not allow all to suffer alike under the imputations which had been cast upon some. If the House really wished to put an end to the gross conduct that had been complained of, the only right mode of doing so was to let the whole circumstances of the case be known, and to let the individuals be held up to execration. Let the finger of scorn be pointed at them. But at present no Irish gentleman could hold up his head and think himself free from all the imputations that were cast upon the conduct of the Irish landlords generally.

LORD J. RUSSELL: I must say that the hon. Gentleman is rather hard to satisfy with respect to this matter. I informed him the other day, reading for him from the report of the Commissioners, that out of nearly 1,700 committees that had sat, only a few had been misconducted, and that they formed only exceptions to the general rule of conduct. Yet the hon. Gentleman will have it that this is a general charge. I think it is anything but a general charge to say, that out of near 1,700 cases, some instances of abuse had occurred, and that these were exceptions to the general rule. But when the hon. Gentleman asks whether I will produce all these excepted cases, and institute inquiry into them, I think it would lead to a general inquiry. The hon. Baronet certainly has a different notion of justice with respect to this matter from what I should entertain. The hon. Baronet says that these instances of abuse should be held up to public scorn and odium. Now there are a great number of officers employed by the Commissioners. Some of them may have perfectly well-founded grounds for their statements, while there may be others who may have become wicked by reason of the opposition which they received in particular instances. But, in following the hon. Baronet's proposition, we should lay on the Table of the House, at the end of the Session, returns holding up all the persons alluded to by those officers to public odium. Now, on former occasions, the parties complained of asked, very properly, for inquiry into their conduct; but here we should have individuals held up to public scorn and odium, and yet possessing no means of having their characters vindicated. And yet that is what the hon. Baronet calls justice. I believe it to be perfectly clear from the report that the general conduct has been praiseworthy, though some instances of abuse may have occurred. The more prudent course then, I consider, is to leave the conduct of the parties generally as it is, and when particular charges are made against magistrates, to have an inquiry instituted into their conduct.

MR. BERNAL OSBORNE said the charges contained in the report were of a very grave, and he would say of a very atrocious, description. He did not think they were confined to the gentry or to the magistrates of Ireland alone, because the relief committees did not consist altogether of these classes. He believed a great number of the charges were intended to apply to the priests and to the lower classes; and he quite agreed with the noble Lord, that an inquiry of such an extensive nature as the hon. Baronet required, was not at this period of the Session practicable. He had not the slightest doubt but that great intimidation had been practised; but he felt that an inquiry into all the charges that could be brought forward would take an entire year to get through; and he had no doubt, if instituted, that it would result in a blue book being laid on the Table that would rival any blue book that had ever been produced. He agreed, however, with the noble Lord, that as far as the magistrates were concerned, an opportunity for investigating the charges brought against them ought to be afforded; and if they were not then able to vindicate themselves to the satisfaction of the House and of Her Majesty's Ministers from the charge of swindling; for such he considered the accusation against them—of paying their own rents out of the relief given to their tenants—amounted to; they ought to be at once struck off the roll. The magistracy of Ireland was certainly in a very critical state at present. From his own experience he could say, that he believed there were many men sitting on the bench in that country who were not qualified to act as magistrates in any one particular. He thought the noble Lord ought in justice to this country as well as to Ireland, to institute a strict inquiry into the conduct of the magistrates; but with reference to the report generally, he felt, as the noble Lord had stated, that the abuses alluded to were only put forward as exceptional cases.

Viscount CLEMENTS said, as chairman of a relief committee, he felt bound to state that, having read the report carefully, he believed it to be upon the whole a very fair report. His only astonishment was, that the abuses were not infinitely greater than were set forth; and if hon. Gentlemen would only take the trouble to read the extracts from the inspectors' reports, they would, he was convinced, concur with him in that opinion. It might be recollected that in February last he cautioned the Government that there were certain districts in Ireland in which they would find it difficult to get even clerks to perform the duties imposed on the relief committees. He would now ask whether his words were or were not prophetic? [The noble Lord read some extracts from the reports of the inspectors showing the difficulty of finding efficient persons in some districts to act on relief committees, and then continued.] This fact was distinctly put forward in the report of the Commissioners themselves. They stated—

> "In enlarging on these unpleasant facts, we would beg that it may be understood that they are clearly exceptions, although sufficient in number to be deserving of notice, and to show in parts of the country a great want of the principles necessary for minute self-government."

Ever since he had the honour of a seat in that House, he had constantly endeavoured to impress on every Government the necessity of framing machinery for minute government in Ireland; and when no steps had been taken to supply the deficiency which existed in that respect, he thought it was not fair to pronounce the sweeping condemnation which he had heard with indignation fall from the noble Lord at the head of Her Majesty's Government a few minutes ago against the gentry of Ireland. The noble Lord had stated, that if an inquiry were instituted, they would have to inquire into the conduct of all the landlords and gentry and people of Ireland. He did not believe such to be the case. He believed the whole fault rested with the noble Lord himself. The noble Lord found fault with him the other night for having used the word "scramble" in reference to what had taken place in Ireland; but if the noble Lord would look through the report, and then look into *Johnson's Dictionary*, and could there find another word more applicable, he (Lord Clements) would be happy to use it. Again, he should say that the noble Lord was to blame for what had occurred in passing such a measure for the relief of destitution, without including any definition in the Bill as to who were to be considered destitute, and who were not to be so considered. When the noble Lord gave no power to those who were to carry the law into operation to punish persons improperly applying for relief, it was not fair for him to stand up now and pass a sweeping censure on the gentry and people of Ireland generally.

Lord J. RUSSELL had again to repeat his belief that no sweeping censure was intended to be conveyed in the report, and was certainly not made by him. On the contrary, he stated distinctly that the cases of abuses were clearly exceptions to the general conduct. If the noble Lord would look into *Johnson's Dictionary*, he would find that exceptions did not mean general or universal conduct.

MR. WAKLEY said, it was very true that the abuses alluded to were exceptions to the general conduct; but what Irish Gentlemen complained of was, that because they were not distinctly stated, the charges fell generally. Much praise had been given to the Commissioners; but for his part he thought they had failed in their duty, and that they were bound to have reported the names of the parties by whom the abuses had been committed. They had a right in know in this country whether the relief given had been honestly expended or not; and yet they were now told, that in some cases relief was given out of the public funds by proprietors to their own tenants who were not entitled to relief. The stain now rested on the entire landlords and magistracy of Ireland; and he thought the hon. Baronet was therefore quite right in asking that the names and residences of the offending parties should be made known. He could not agree with the noble Lord near him (Lord Clements) that Government ought to have adopted a definition for the term "destitution." Any attempt of the kind would have the effect of producing great oppression and suffering in particular cases; and he thought it was therefore much better to leave the local managers a discretion to decide whether each case coming before them was one of destitution or not.

VISCOUNT CLEMENTS explained. What he meant was, that persons having five or six acres of land, and a cow or cows, or a horse or horses, could not be entitled to relief according to his understanding of the term "destitution;" and yet the Commissioners had expressed a different opinion, and had declared that persons with six acres and with cows and horses might be considered destitute.

Subject dropped.

CHINA.

VISCOUNT SANDON had a question to ask of the noble Lord with reference to the recent proceedings at Hong-Kong. He did not wish to reflect on the conduct pursued there; but what he wanted to know was, whether the recent hostile proceedings taken by the Governor of Hong-Kong had been adopted on his own responsibility, or on the authority of instructions sent out to him from this country.

LORD J. RUSSELL: My answer to the noble Lord is, that the Governor of Hong-Kong reported certain insults and injuries which were inflicted on British subjects in China; and the answer of the Government to him was, for him to demand of the Chinese Government redress for such insults. After he had sent those reports, other cases of a similar character arose, of which the accounts did not reach this country until a very short time ago. The Governor, taking into consideration that he was desired to demand redress in certain cases, and those other cases occurring afterwards, thought it right to consult with the general officers commanding, and the conclusion to which they arrived was that the only mode of obtaining redress was by getting the commanders of the naval and military forces to interfere. A most able sally was made—certainly in a naval and military point of view, one most ably designed and ably carried into effect. That is the only answer I can now give to the noble Lord; but when the papers are produced, the particulars will show why the Governor of Hong-Kong thought it necessary to enforce redress, and why he felt that redress could not be obtained in any other manner.

BURIAL IN TOWNS.

MR. HORSMAN wished to ask the noble Lord at the head of the Woods and Forests a question connected with a subject which created much public interest—he meant the practice of burying the dead in the midst of crowded cities and towns, and in spaces that were necessarily restricted. Seeing that the subject had been deferred from year to year by successive Governments pledged to legislate on the subject, he wished to know what was the great difficulty, the great impediment which had forced different Administrations that had applied themselves to the subject with vigour and with zeal, not only to disappoint public expectations, but to violate the pledges they had given. These influences were unseen by the public, but they were not unfelt by the Government. He alluded not only to the present Government, but to other Governments. The right hon. Baronet who was in office before the present Administration, pledged himself at once, on his accession to power, to legislate on the subject. The pledge ended in an inquiry being instituted, and evidence of a nature which he would not now characterize, being collected. That was completed in the second year. In the third year, the hope and expectation of the right hon. Baronet was more faintly expressed; and in the fourth year, he frankly admitted that he was incapable of meeting the difficulties which presented themselves before him, and said that he should leave the subject to be dealt with by the public. The noble Lord, not having the experience of the right hon. Baronet as to these difficulties, also commenced his official career by promising to legislate on the subject. No one who knew the noble Lord's character could doubt his sincerity in giving that pledge; but he had been unable during the present Session to introduce any measure to meet the evil. It was clear there was a mystery hanging over the matter; and the common belief was, that the difficulty lay in the quarter where, on a subject of so much importance to the moral and physical improvement of the people, it was least to be expected — namely, in the clergy. He disregarded that rumour, more especially as he knew that twenty-five years ago, when the present Bishop of London was but a poor rector in the metropolis, he was among the first and loudest in complaining of the evil. If a traveller stated that he found in some savage nation a practice prevailing of burying the dead in localities often not larger than the court-yard of a private residence, to the number of many thousands annually, without the surface of the soil being raised an inch in the course of the year, they would be ready to start with horror, and to believe that no outrage so flagrant, so inhuman, and so scandalous as such a system appeared of necessity to imply, on the bodies of the dead, could possibly be committed. And yet this was what took place, down to the present time, in the very centre of the metropolis of what they regarded as the most Christian nation in the world. He was sure the noble Lord would not lose sight of the question. The question he wished to ask of him was, what was really the great difficulty in his way in legislating on the subject? and if the noble Lord once answered that question, he could assure him that the public would give him ample assistance in having it overcome.

Mr. HUDSON said, before the noble Lord answered the question, he thought it right to state that a most numerously and respectably signed requisition had been presented to him in York the other day, asking him to convene a meeting on the subject of interment in towns. The subject was one which, he could assure the noble Lord, excited the greatest interest in that city.

Viscount MORPETH: I can only state, in reply to the hon. Gentleman, that as soon as I succeed in passing the Bill for improving the health of towns in respect to sewerage and drainage, I shall feel myself bound to mature, and introduce to the House, and I hope to carry, a Bill to prevent burials in towns. But I must say that I should despair of carrying such a measure, if the House will not now address itself to the subject before it.

Mr. WAKLEY regretted that the noble Lord had given so brief a reply to a question so pertinent to the subject before the House—the health of towns. The hon. Gentleman wanted to know where the obstacle existed in legislating on this matter. Most probably the hon. Gentleman was himself well acquainted with the nature of that obstacle already; but he was desirous of having a statement from the noble Lord respecting it. Everybody knew that it was a money matter—that in this country they were in the habit of trading in the disposal of the dead. It was simply a question of pounds, shillings, and pence; and it was well known that the clergy were hostile to any interference with the existing system. Whenever a proposal was made for bringing in a Bill to establish a new cemetery in the vicinity of the metropolis, the vested interests were in commotion to oppose it. He should be glad to know whether any official communication had taken place with the Bishop of the diocese on the subject? The matter was one on which the public felt very strongly. That burials in towns were injurious to the public health, no man of common sense could deny. When the noble Lord legislated on the subject, he trusted he would make such an arrangement as would prevent trading in the burials of the dead from continuing.

Mr. HORSMAN said, he should very humbly protest against the manner in which his question had been met by the noble Lord. If he had interposed in any unfriendly manner against the Government, he could scarcely have been open to so severe a rebuke. The noble Lord said, he should despair of carrying this or any other Bill, if Gentlemen got up and would not allow Government to proceed with the business. When he gave notice of his intention to ask the question, the day before, the noble Lord at the head of Her Majesty's Government was good enough to ask him, not in the most courteous tone, what this question had to do with the Bill before the House? [Lord John Russell: I did not ask that.] He thought the two questions most intimately connected, more especially as, when the hon. Member for Lymington (Mr. Mackinnon) brought in a Bill on the subject, he was told, he believed, that if he would withdraw it, the matter would be included in the Health of Towns Bill this Session. He thought the Government were bound, for the sake of their own characters, to come forward and explain why it was that they had not fulfilled their pledges on this subject. This subject was one of the most important branches of sanitary reform; for what was the use of draining and ventilation, so long as these plague-spots were permitted to poison the densest parts of the population? Being of so much importance as to require a Bill by itself, he could not believe he had asked an irrelevant question; but he must say the answer had been given in a manner he did not expect.

Viscount MORPETH assured his hon. Friend that he had not the slightest intention of speaking with anything like disrespect, either towards himself personally, or of the question he had put. He had only alluded in general terms to the fact of three hours having been occupied in discussion before the Order of the Day had been read. He believed the Bishop of London was most anxious that some measure should be adopted of the nature referred to by his hon. Friend; but the question was undoubtedly one affecting vested interests which must receive the consideration of the House; and it was also connected with old associations and feelings, which, though not of parallel importance with the object in view, deserved to be met and treated with delicacy. The only reason, however, why a Bill had not been introduced this Session, was the conviction that it was not possible, considering the amount of other business, to proceed with it; but Her Majesty's Government would introduce a measure in the course of next Session.

HEALTH OF TOWNS BILL—COMMITTEE.

House in Committee on the Health of Towns Bill.

On Clause 12 being proposed, empowering Her Majesty, by the advice of Her Privy Council, to make an order for enforcing the Act in certain corporate towns upon the report of the Commissioners of Health and Public Works,

Mr. SPOONER moved, as an Amendment, to insert the words upon the petition of three-fourths of the inhabitant householders, within such corporate borough. He only wished them to deal with corporate towns as with other towns. If the towns wished for this measure, as it was pretended, why not let it be optional with them to adopt it or reject it as they thought fit?

Viscount MORPETH could not agree to the Amendment. In corporate towns there were now existing regularly constituted bodies elected by their fellow-townsmen; and it was the opinion of the Government that to these bodies the powers under the measure might be safely entrusted. As those bodies had already been selected by the various towns to manage their ordinary corporate affairs, he thought they might safely be entrusted with the care of the sewerage, drainage, and lighting of the towns. It might be said that the inhabitants of the towns to which the clause was to be applied, might ask for the extension of the Bill to them if it were desirable; but he would say he doubted the expediency of in all cases leaving it to individuals to apply for the operation of the Bill, when that operation would involve the necessity of expenditure from their own pockets; and as the general health of the country would be very much affected by the operation of this Bill, he could not, in the cases alluded to, leave it to the application of individuals whether the Bill was or was not to be brought into operation.

The Committee divided on the question, that the words be inserted:—Ayes 27; Noes 73: Majority 46.

List of the Ayes.

Arkwright, G.
Bennet, P.
Borthwick, P.
Broadley, H.
Buck, L. W.
Collett, J.
Deedes, W.
Duckworth, Sir J. T. B.
Dugdale, W. S.
Entwisle, W.
Granby, Marq. of
Henley, J. W.
Hotham, Lord
Hussey, T.
Jolliffe, Sir W. G. H.
Lawson, A.
Packe, C. W.
Palmer, R.
Palmer, G.
Round, C. G.
Sibthorp, Col.
Sotheron, T. H. S.
Stuart, J.
Trotter, J.
Tyrell, Sir J. T.
Vivian, J. E.
Waddington, H. S.

TELLERS.

Newdegate, C. N.
Spooner, R.

List of the Noes.

Aglionby, H. A.
Aldam, W.
Arundel and Surrey Earl of

Baine, W.
Barnard, E. G.
Berkeley, hon. H. F.
Bernal R.
Brisco, M.
Brotherton, J.
Brown, W.
Browne, hon. W.
Buller, C.
Buller, E.
Busfeild, W.
Christie, W. D.
Clay, Sir W.
Craig, W. G.
Dalrymple, Capt.
D'Eyncourt, rt. hn. C. T.
Duncan, G.
Ebrington, Visct.
Forster, M.
Gibson, rt. hon. T. M.
Godson, R.
Gore, hon. R.
Gower, hon. F. L.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hatton, Capt. V.
Hawes, B.
Hobhouse, rt. hn. Sir J.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Humphery, Ald.
James, W.
Jervis, Sir J.
Kemble, H.
Labouchere, rt. hon. H.
Layard, Major
Leader, J. T.
Lindsay, Col.
Macaulay, rt. hon. T. B.
M'Carthy, A.
Martin, J.
Maule, rt. hon. F.
Monahan, J. H.
Morpeth, Visct.
Morison, Gen.
O'Connell, M. J.
Ord, W.
Parker, J.
Perfect, R.
Plumridge, Capt.
Polhill, F.
Protheroe, E. D.
Rich, H.
Russell, Lord J.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Somerville, Sir W. M.
Stansfield, W. R. C.
Strutt, rt. hon. E.
Thornely, T.
Tomline, G.
Trelawny, J. S.
Troubridge, Sir E. T.
Turner, E.
Wakley, T.
Walker, R.
Ward, H. G.
Williams, W.
Wynn, rt. hon. C. W. W.

TELLERS.
Tufnell, H.
Hill, Lord M.

Clause agreed to.

On the 13th Clause, excluding every town and district within ten miles of St. Paul's, from the operation of the Bill,

Mr. DUGDALE expressed his surprise at the exclusion of London; and, if nobody else did it, he should move that the clause should be struck out of the Bill.

Mr. KEMBLE thought that if the clause were excluded, it would be impossible to carry the Bill this Session.

Mr. HUDSON considered this clause to be one of the worst features of the Bill. It excluded London, although every one knew that that place above all others in Her Majesty's dominions required sanitary measures. He should like to see some of the metropolitan Members get up and say why London should be excluded. Why could not they abolish the commissioners of sewers of London, and constitute them commissioners of health, as they proposed to do with the commissioners of sewers in York? He was convinced that the powers which were proposed to be given to the Chief Commissioner of Health were quite unconstitutional.

Mr. Alderman HUMPHERY had no objection to have London included in the Bill; but it should be done in a proper manner. He would undertake to say that York had not a single sewer; and it was fearful to contemplate the expense which the right hon. Member for Sunderland and his fellow-citizens would have to pay if this Bill were passed! Notwithstanding the extraordinary zeal with which the right hon. Gentleman had attacked the metropolis, he would pledge his word that there were in Surrey as many miles of drainage as the right hon. Gentleman had miles of railway. As he had before said, he had no objection to see London brought under the operation of such a measure as this; but such a measure could not be passed this Session.

Mr. SPOONER was anxious to be informed on three points: first, why London, which was originally intended to be included, had been exempted from the operation of the Bill; secondly, why Middlesex and Surrey, which were also originally included, had likewise been subsequently omitted; and thirdly, why, it having been in the first instance contemplated that no district within four miles of London should be included in the operation of the Bill, the area had since been extended to ten miles?

Viscount MORPETH said, he would endeavour briefly, and he hoped successfully, to answer the three questions of the hon. Member. He was first asked why Middlesex and Surrey were not now included in the clause? In the first instance it was intended to make the clause as compendious as possible; but for that purpose it was obvious it would be necessary to include Kent and Essex, and as many districts of these counties as were involved. He was then asked why he had extended the district from four miles to ten miles round St. Paul's Church. When the limit of four miles was inserted in the Bill, it had been determined that neither London nor the metropolis should be included in the Bill; but from information communicated to him, it appeared that the area for drainage and water could not be limited within four miles, for a large supply of water was obtained from the neighbourhood of Brentford, and another from Ravensbourne, in Kent. It therefore appeared manifest that the area for a supply of water would not be sufficient if it were not extended to ten miles. Then he was asked why London had been excluded at all? In the original proposition which he made when he introduced the Bill, the metropolis was included. When he made that proposition, he was told he was aiming at too much, and that it would be very difficult to carry out the measure if he then included the metropolis in the Bill. The feeling seemed very general that he had introduced too much into the Bill; and when he returned to London after the Easter recess, he found, from the state of public business which inevitably must come before Parliament, that there would be very little prospect of carrying any Bill into effect for the sanitary improvement of the country if he did not strike London out. A deputation from those persons who had originally taken up the subject—and in alluding to them he did not wish to hide or screen himself from any responsibility for what had taken place —but a deputation from the Committee which had devoted so much zeal and attention to the promotion of the sanitary state of the country, had called upon him, and had told him that he was running the chance of doing nothing during the present Session by undertaking too much at the commencement. He had therefore been induced not to include the metropolis within the Bill. This was the simple reason for adopting the course which he had pursued, while he had at the same time as strong a conviction as was entertained by any man who heard him that the metropolis required sanitary regulations as much as other places. He also entertained as strong an intention as he had ever experienced, to introduce a sanitary Act for the metropolis early next Session. He had therefore not persisted in the Bill as it was originally introduced, in the hope that by striking out the metropolis he might be able to do something this Session for sanitary improvements, and thus secure the object by legislative means of introducing the system into the country.

Mr. ROEBUCK could not help expressing his disappointment at what had fallen from the noble Lord. He believed the Bill was necessary, and he should not oppose it if London were included within its operation. If one place more than another required a law like this, it was London. The noble Lord therefore, instead of beginning in the way which he proposed, should have brought in a Bill for London alone, which step would probably have been successful, and was certainly more likely to please the country. He could assure the noble Lord that he would have found no difficulty with regard to London, if he had excluded all the other towns. His hon. Friend (Alderman Humphery), representing one corporation, and the hon. Gentleman (Mr. Hudson), representing another, and as he thought the smaller corporation of the two, had differed on this point. [*Much Laughter.*] In London there were already a large number of persons employed in sewerage, and therefore it would have been comparatively easy to carry out a general plan there. In the town which he represented, there were five separate boards to look after matters of this kind. There should be some law of consolidation, and some general principle should be adopted which should be brought into one Bill. There could be no greater difficulty in applying the principle to the whole of England, including the district round St. Paul's, than by confining it to a limited extent. If the noble Lord would state the difficulties in his way, he (Mr. Roebuck) would attentirely listen to them; but he could not conceive what they were. There was as much difficulty in properly legislating for ten persons as for a thousand. He hoped the noble Lord would not be daunted by either London or York, however ably they might be represented. The hon. Member (Mr. Hudson) was fond of referring to practical effects, and as to his mode of dealing with the material effects of the world; but he did not think that the hon. Member was likely to be very successful in his legislation on a subject of this kind, however great his success might be between rival railways. He did not think that the hon. Member would be considered a sufficient authority for their legislating as to the cleanliness of mankind. He was sure if the noble Lord even now included London within the operation of his Bill, he would meet with very partial opposition in the House of Commons.

Mr. NEWDEGATE felt that the reason why the noble Lord considered London as an oasis to be excepted from the operation of this Bill, was the consideration of who were the present representatives. The noble Lord said that he had been requested not to include London within the Bill; but he had not stated by whom. According to the reports of the Commissioners on Sanitary Inquiry, there were many parts of the metropolis from which fever was never absent; and according to the annual reports of deaths of the Registrar General, from 20,000 to 30,000 persons died annually on that account.

Lord JOHN RUSSELL wished merely to make a remark upon the state of the question upon which the Committee were about to divide. Hon. Gentlemen opposite had treated the matter as if it were proposed altogether to exclude the metropolis from any sanitary measure. The fact was this: the Government proposed to pass a Bill this year with respect to certain parts of the country, and, that Bill having been passed into an Act, to introduce a measure next Session with respect to the metropolis. Hon. Members opposite proposed in the first place that the metropolis should be brought into this Bill? But how brought into this Bill? By merely leaving the Bill as it was, without inserting other clauses? If so, the Bill would be found inoperative, and inefficient for the purpose. But then it was proposed that other clauses should be introduced to meet the case. That could not be done without raising up new opposition and new obstruction. New opposition must of course give rise to delay, and by delay this measure would be defeated, and with it sanitary reform for the metropolis. No doubt hon. Gentlemen opposite, who had expressed such extreme zeal and anxiety for sanitary reform, would exceedingly lament such a result; but it was the clear consequence that must follow from their own conduct. They would no doubt extremely regret this; and he therefore hoped they would be defeated, by which means the city of London would be all the sooner included in a measure of sanitary reform.

Mr. WAKLEY believed that the opposition that had been got up was to be found in the city of London alone. The noble Lord had said that delay would be caused by introducing London into the measure; but when the Bill was brought in last March all the necessary machinery had been prepared; the arrangements, with respect to the inclusion of the metropolis, had been made, the calculations had been formed, and the Government had been prepared to legislate on the subject. Something since then must have arisen in the City. Medically, he would strongly advise the right hon. Gentleman (Mr. Hudson) to moderate his excitement; for if he did not, the coroner of London would, perhaps, have to perform the duties of his office upon the Lord Mayor of York.

Mr. HENLEY complained that neither the noble Lord nor any metropolitan Member had pointed out in what respect the corporation of London differed from any other in the kingdom. Fever and mortality were as rife there as anywhere. He wished, moreover, to know what right the Government had to exempt the manufacturers of London from those stringent regulations to which it was proposed to subject manufacturers in the provinces. Such a proceeding would not be fair nor just.

Viscount NEWPORT thought that a measure which had excited so much opposition ought not to be pressed through on the eve of a dissolution; in a new Parliament he should be happy to give his support to a well-digested measure of sanitary reform.

The Committee divided on the question that the Clause stand part of the Bill:—Ayes 112; Noes 70: Majority 42.

List of the Ayes.

Acland, Sir T. D.
Aglionby, H. A.
Aldam, W.
Anson, hon. Col.
Arundel and Surrey, Earl of
Baine, W.
Bannerman, A.
Baring, rt. hon. W. B.
Barnard, E. G.
Bellew, R. M.
Berkeley, hon. C.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Bernal R.
Brisco, M.
Brotherton, J.
Brown, W.
Browne, hon. W.
Buller, C.
Buller, E.
Burke, T. J.
Busfeild, W.
Byng, rt. hon. G. S.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Chapman, B.
Christie, W. D.
Clay, Sir W.
Colebrooke, Sir T. E.
Courtenay, Lord
Craig, W. G.
Dalrymple, Capt.
D'Eyncourt, rt. hn. C. T.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Escott, B.
Ewart, W.
Forster, M.
Gibson, rt. hon. T. M.
Godson, R.
Gore, hon. R.
Gower, hon. F. L.
Grey, rt. hon. Sir G.
Hall, Sir B.
Hamilton, Lord C.
Hatton, Capt. V.
Hawes, B.
Hindley, C.
Hobhouse, rt. hn. Sir J.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, P. H.
Humphery, Ald.
Hutt, W.
Inglis, Sir R. H.
James, W.
Jervis, Sir J.
Johnstone, Sir J.
Kemble, H.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Layard, Major
Lemon, Sir C.
Macaulay, rt. hn. T. B.
Mackinnon, W. A.
Marjoribanks, S.
Marshall, W.
Maule, rt. hon. F.
Milnes, R. M.
Mitchell, T. A.
Monahan, J. H.
Morpeth, Visct.
Morris, D.
Morrison, Gen.
O'Connell, M. J.
O'Ferrall, R. M.
Ogle, S. C. H.
Ord, W.
Parker, J.
Pechell, Capt.
Plumridge, Capt.
Polhill, F.
Price, Sir R.
Protheroe, E. D.
Reid, Col.
Rich, H.
Romilly, J.
Russell, Lord J.
Russell, Lord E.
Rutherfurd, A.
Sandon, Visct.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Sheridan, R. B.
Somers, J. P.
Somerville, Sir W. M.
Stansfield, W. R. C.
Staunton, Sir G. T.

Strutt, rt. hon. E.
Talbot, C. R. M.
Tancred, H. W.
Thornely, T.
Troubridge, Sir E. T.
Vivian, J. H.
Vivian, hon. Capt.
Walker, R.
Wall, C. B.
Ward, H. G.
Wood, rt. hon. Sir C.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Acland, T. D.
Arkwright, G.
Beckett, W.
Bennet, P.
Beresford, Major
Blake, M. J.
Bodkin, W. H.
Borthwick, P.
Broadley, H.
Buck, L. W.
Clive, hon. R. H.
Collett, J.
Colville, C. R.
Deedes, W.
Denison, E. B.
Dennistoun, J.
Dickinson, F. H.
Douglas, Sir C. E.
Duckworth, Sir J. T. B.
Duncombe, T.
East, Sir J. B.
Egerton, Sir P.
Entwisle, W.
Floyer, J.
Fuller, A. E.
Goring, C.
Granby, Marq. of
Grogan, E.
Henley, J. W.
Hervey, Lord A.
Hildyard, T. B. T.
Horsman, E.
Hotham, Lord
Hudson, G.
Hussey, T.
Jolliffe, Sir W. G. H.
Lawson, A.
Lindsay, Col.
M'Carthy, A.
Manners, Lord J.
Martin, J.
Maxwell, hon. J. P.
Miles, P. W. S.
Newdegate, C. N.
Newport, Visct.
Norreys, Sir D. J.
O'Brien, A. S.
O'Brien, C.
Palmer, R.
Palmer, G.
Patten, J. W.
Perfect, R.
Repton, G. W. J.
Rolleston, C.
Round, C. G.
Russell, J. D. W.
Sibthorp, Col.
Sotheron, T. H. S.
Spooner, R.
Stuart, J.
Tollemache, hon. F. J.
Tollemache, J.
Tomline, G.
Trotter, J.
Tyrell, Sir J. T.
Vivian, J. E.
Waddington, H. S.
Wakley, T.
Williams, W.
Wynn, rt. hn. C. W. W.

TELLERS.

Dugdale, W. S.
Yorke, R.

Clause agreed to.

House resumed.

Committee to sit again on Monday.

NEW ZEALAND COMPANY.

House in Committee on the New Zealand Company.

The CHANCELLOR OF THE EXCHEQUER said, that the object was to authorize an advance by way of loan, out of the Consolidated Fund, to the New Zealand Company, of a sum of 136,000*l*. The right hon. Gentleman moved—

> "That the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland be authorized to advance the sum of 136,000*l*., out of the Consolidated Fund of the said United Kingdom, by way of loan, to the New Zealand Company.

COLONEL SIBTHORP said, he should decidedly object to the vote until they first heard what chance there was of getting the money back. He did not know why the hon. Members for Coventry and for Montrose, who professed to be such warm advocates for economy, should absent themselves when a vote of that magnitude was proposed; and, with all respect for the Chancellor of the Exchequer, whom he respected still more because he happened to be a relative of his own, he did not think it right for him to bring forward a vote for so large an amount at nearly one o'clock in the morning.

The CHANCELLOR OF THE EXCHEQUER said, if his hon. and gallant Friend and relative would take the trouble to read over the correspondence on this subject that was lying on the Table, he would find the necessity for this loan and the prospects of its repayment set forth more fully and satisfactorily than he (the Chancellor of the Exchequer) could attempt to explain them.

Resolution agreed to, and ordered to be reported.

House adjourned at a quarter past One o'clock.

HOUSE OF LORDS,

Saturday, July 3, 1847.

MINUTES.] PUBLIC BILLS.—*Reported.*—Corn, &c. Importation; Militia Ballots Suspension.

HOUSE OF LORDS,

Monday, July 5, 1847.

MINUTES.] PUBLIC BILLS.—1ª Holyhead Harbour; Turnpike Roads (South Wales); Canada Consolidated Revenue Fund; House of Commons Costs' Taxation; Print Works; Seduction and Prostitution Suppression.

3ª and passed:—Corn, &c. Importation; Trustees Relief.

ADMINISTRATION OF THE POOR LAWS.

On the Motion that the Committee on the Poor Relief Supervision (Ireland) Bill be postponed,

LORD BROUGHAM called the attention of the Members of the Government present to a provision in the English Poor Relief Supervision Bill, as well as in this Bill, that the salary of the Chief Commissioner should be such as the Lords Commissioners of Her Majesty's Treasury might award him—and might from time to time award him—as if the Chief Commissioner were a mere Treasury clerk! And, yet, such Commissioner was to have a seat in Parliament! He felt certain that their Lordships would never agree to leave it to the Lords Commissioners of Her Majesty's Treasury to say whether a great Officer of State should have 500*l*., or 5,000*l.*, or 6,000*l.* a year. He conceived that this provision must have been introduced by an oversight, and because it was usual to put in such a clause in Bills of this kind.

The **Earl of AUCKLAND** remarked, that the noble and learned Lord would not expect him to make any reply to his observations in the absence of his noble Friend the President of the Council.

BRIBERY AT ELECTIONS.

Lord BROUGHAM said, he observed that preparations were going on for a general election, and he confessed that he looked with horror and disgust to the past, and with dismay to the future, when he recollected the bribery, and corruption, and intimidation, which were exercised upon voters at the general election of 1841. He had then called the attention of the House to the subject; and, as there was about to be another general election, and probably a renewal of the same scenes, he thought it expedient that early notice should be given to the parties, that they might not be guilty without being forewarned. The noble and learned Lord concluded by giving notice of a Motion on the subject.

House adjourned.

HOUSE OF COMMONS,

Monday, July 5, 1847.

Minutes.] **Public Bills.** 1° Naturalisation of Aliens; Canal Companies; Constabulary Force (Ireland), &c.; Qualification of Peers (Scotland).

2° Joint Stock Companies (No. 2).

Reported.—Compensation for Damages (Ireland); Thames Conservancy (re-committed); Custody of Offenders; Shannon Navigation.

3° and passed:—Fishery Piers and Harbours (Ireland); Railways (Ireland, No. 2).

Petitions Presented. By Mr. Hindley, from Inhabitants of the Province of South Australia, against Supporting Religion by the State.—By Mr. Brotherton, from Newcastle-upon-Tyne, for a One Penny Stamp Tax.—By Mr. W. H. Bodkin, from several places, respecting the Remuneration to Tax Assessors and Collectors.—By Sir De Lacy Evans, from Colliers of Lancashire, respecting the Cause of Accidents in Collieries.—By Sir J. Pakington, from Poor Law Officers, for a Superanuation Fund.—By Mr. Watson, from Yuille, Shortridge, and Company, of Mark-lane, London, for Inquiry.

BUSINESS—SITTINGS OF COMMITTEES.

Admiral GORDON having moved that the Committee on the Wakefield New Gas Bill have leave to proceed with three Members and report forthwith,

Lord G. BENTINCK said, that he should oppose any proposition which involved the principle of a Committee sitting during the meeting of the House. They had a specimen of what happened at these morning meetings on last Friday. On that occasion, for a long time, not more than fifteen Members were in the House, including one Member of the Government, and three Members of the party to which the noble Lord belonged. He thought such a proceeding was highly objectionable. When the House met at Twelve o'clock, the Government obviated the constitutional principle that forty Members should be present during its sittings. When forty Members were not present, it was in the power of any Member to stop the proceedings in the House, if he thought that the business of the country could not be advantageously carried on by only fifteen Members. After four o'clock there was some security that the Government would keep a House if public business was before it. When a House was made at Twelve o'clock, and when a number of Private Committees were sitting, a dozen or score of Members rushed out of the House, and in case of a division returned and voted, without having heard what had passed. He was strongly opposed to morning sittings, as it was only a sneaking mode of getting through the business of the country. If they would meet in the morning, however, he should do his best to enforce the attendance of Members. He should oppose the present Motion.

Lord JOHN RUSSELL was satisfied the noble Lord was quite mistaken as to the constitutional time of meeting, for the custom formerly was to meet at Ten o'clock in the morning, and adjourn at five or six o'clock. As the noble Lord alluded to what had taken place on Friday, he felt called upon to make a remark on the singular proceedings on the part of the noble Lord on that occasion, which he should not have referred to but for the observations of the noble Lord. It had for some time been the custom for the House, towards the end of the Session, to meet at Twelve o'clock; and he found, generally speaking, that between twelve and four the attendance was as good as between seven and nine in the evening. The noble Lord had stated that he objected to the further suspension of the Navigation Laws; and on Friday morning the question was discussed fully by the noble Lord and himself. The Custody of Offenders Bill also went through Committee, and was treated in a way apparently to give general satisfaction. This was followed by the Stock in Trade Bill, against which his hon.

Friend the Member for the University of Oxford entertained some objections; but when those objections had been disposed of, he had supposed that there was no real objection to the Bill before the House passing a second reading at that time; but to the surprise of those in the House the noble Lord spoke for a lengthened period, so as to reach four o'clock, when he moved that the House be counted. If the noble Lord had succeeded in his object, there would have been no House on Friday evening to go into Committee on the Health of Towns Bill, and thus the public business would have been impeded. There was no precedent for such a proceeding; and, above all, on the part of one who was thought to be, and who considered himself to be, the leader of a great party. He would not characterize this proceeding further. He would, however, endeavour to avoid a surprise of this kind for the future. When the noble Lord rose on Friday morning, there was no further business before the House, and it was considered as a matter of course that they might as well adjourn until Five o'clock.

Leave given.

MR. BOUVERIE moved that all Committees have leave to sit that day during the sitting of the House.

LORD G. BENTINCK opposed the Motion. He objected to their proceeding with such an important measure as the Health of Towns Bill in a morning, when so many hon. Members were necessarily absent. He particularly felt this as regarded his right hon. Friend the Member for Sunderland (Mr. Hudson), who had taken great interest in the matter, but who was obliged to be absent to-day in attendance on Her Majesty. He should resist as long as he could any Motion for allowing Committees to sit during the meeting of the House.

MR. NEWDEGATE observed, that there were upwards of fifty clauses in the Bill, which contained most important enactments; and it was neither fair nor just to press such a measure in the absence of so many hon. Members. The object of the Bill was nothing more nor less than to create a great social revolution, and it was understood by very few Members in that House.

MR. MACKINNON conmemned the factious opposition with which this Bill was assailed, for under the screen of opposing the sitting of Committees, the object was to obstruct its progress.

MR. BUCK denied that there was any factious opposition to the measure. He protested against the system of carrying a Bill of such importance, affecting, as this did, many of the smaller boroughs most materially, at a time when few Members were present. He must urge the Government to abandon the Bill at that late period of the Session.

MR. H. BERKELEY denied that this Bill involved a social revolution; it would only produce a cleanly revolution—in point of fact, it was soap and water against dirt. He trusted the Government would not consent to postpone the Bill.

MR. W. MILES trusted his noble Friend would not press his opposition. He thought that it was objectionable to discuss such a Bill in a thin House, when there were scarcely any Members present. If this measure was not deemed absolutely necessary by the Government, he trusted that they would not press it at that late period of the Session. In saying this, however, be felt bound also to observe that the subject had been well considered throughout the country, and the principles of the Bill appeared to have been generally approved of.

MR. W. BROWN stated, that under the Bill of last year not less than 30,000 poor persons had been turned out of cellars in Liverpool, where they resided, but lately the major part of these cellars had been taken possession of by the poor Irish.

The House divided:—Ayes 67; Noes 14: Majority 53.

List of the AYES.

Aldam, W.
Arundel and Surrey, Earl of
Baine, W.
Bannerman, A.
Barnard, E. G.
Berkeley, hon. H. F.
Bernal, R.
Blackburne, J. I.
Bouverie, hon. E. P.
Brotherton, J.
Brown, W.
Buller, E.
Burke, T. J.
Cardwell, E.
Christie, W. D.
Colebrooke, Sir T. E.
Craig, W. G.
Dalmeny, Lord
Dickinson, F. H.
Duckworth, Sir J. T. B.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ellis, W.
Estcourt, T. G. B.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Gordon, Adm.
Gore, hon. R.
Gower, hon. F. L.
Graham, rt. hon. Sir J.
Greene, T.
Hawes, B.
Heathcote, Sir W.
Hill, Lord M.
Hope, G. W.
Hutt, W.
Lascelles, hon. W. S.
Lemon, Sir C.
Lincoln, Earl of
Macaulay, rt. hon. T. B.
Mackinnon, W. A.
Maule, rt. hon. F.
Miles, W.
Morpeth, Visct.
Morison, Gen.
Mostyn, hon. E. M. L.
Ogle, S. C. H.
Pakington, Sir J.
Patten, J. W.
Polhill, F.

Powlett, Lord W.
Rich, H.
Russell, Lord J.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Somerville, Sir W. M.
Stansfield, W. R. C.
Strutt, rt. hon. E.
Thornely, T.
Turner, E.
Vesey, hon. T.
Vivian, J. H.
Walker, R.
Ward, H. G.
Wood, rt. hon. Sir C.
Yorke, H. R.

TELLERS.

Tufnell, H.
Parker, J.

List of the NOES.

Arkwright, G.
Bentinck, Lord G.
Buck, L. W.
Douglas, J. D. S.
Floyer, J.
Frewen, C. H.
Fuller, A. E.
Gore, M.
Granby, Marq. of
Hildyard, T. B. T.
Newport, Visct.
Rolleston, Col.
Trench, Sir F. W.
Waddington, H. S.

TELLERS.

Spooner, R.
Newdegate, C. N.

HEALTH OF TOWNS BILL.

House in Committee on the Health of Towns Bill.

LORD JOHN RUSSELL thought it would be better to postpone the clause respecting the costs of preliminary inquiry. He did not think that the charge should be placed on the Consolidated Fund, for many towns, such for instance as Liverpool, could well afford to defray this charge from their own funds.

Clause postponed.

On Clause 18 (who shall execute the Act in corporate towns),

MR. H. BERKELEY objected to the absolute power given to the Government under this clause, by which they could, by an Order in Council, put in force the Act in any corporate town. He thought the town-council ought to have some discretionary power in the matter. He objected also to the whole of the duties of carrying out the Bill being imposed on the town-council. He should propose to add to the end of the clause the following words :—

> "Or that some commissioners should be elected out of their own body, or that the duties should be discharged by such other persons resident in such town as they shall appoint hereafter mentioned."

VISCOUNT MORPETH doubted whether it was advisable that a town-council, which was a fluctuating body, should have the power of delegating the performance of public duties.

MR. VERNON SMITH thought that a power might be reserved as to putting in force the Order in Council in particular places, where at the present time an efficient and satisfactory system was carried out. In the town which he represented, they had in operation an Act for improvements, which was passed the year before last, and which worked most satisfactorily. The commissioners to carry out that Act were elected by each ratepayer voting for one-half the number. Thus, this body was divested of all political feeling, or bias. He did not think that merely for the principle of uniformity they should interfere in this general way with a system which worked well. He would recommend his hon. Friend to withdraw his Amendment, and propose the Amendment of which he had given notice.

LORD J. RUSSELL thought that his noble Friend (Lord Morpeth) had given ample reason, on a former occasion, why the powers under this Bill should be given to the town-council. He thought, however, there was great weight in what had been stated by his right hon. Friend (Mr. V. Smith). He did not see how the commissioners could be elected by the ratepayers without its being open to the same objections as were urged against the town-councils having these powers.

Amendment withdrawn.

MR. H. BERKELEY then moved the insertion of an addition to the clause, enacting, that any body of commissioners or trustees now invested with full powers to execute all the good purposes hereby intended, should be the commissioners or trustees, for the purposes of the Act, in the room and stead of the council of any such town or district.

MR. MACKINNON was satisfied if the House agreed to this addition to the clause, it would damage the Bill.

The EARL of LINCOLN was by no means satisfied of the advantage of this clause as it stood in the Bill. He thought there were very grave objections to giving these powers to the town-councils, although he admitted some advantages might result from their having them. The noble Lord, however, was now about to depart from the promise which had been made by him when he stated that it was essential that the town-councils should alone have authority in these matters. The noble Lord on that occasion said, that the political character of the town-councils could not be put an end to until they had to execute duties of this kind. He did not mean to say that the commissioners of King's Lynn and Northampton might not conduct their business in a satisfactory manner; but he doubted, as a general rule, whether a discretionary power should exist of continuing the present commissioners. He believed the town-councils would become unpopular in many instances in attempting to carry out this measure. If they looked into the Towns Clauses Consolidation Act, it was clear that they must look to different bodies from the present commissioners to carry out the regulations required by law. He would suggest, instead of giving these powers to the town-councils or to the present commissioners, that they should be entrusted to a body of commissioners elected partly by the ratepayers, partly by the town-council, and partly by the commissioners. Before he sat down, he wished to draw the attention of the Committee to the state of the Bill before the noble Lord withdrew the two clauses which originally stood at this part of it. He was satisfied that the omission of the 19th and 20th Clauses of the former Bill would render the measure nugatory in most cases. The first of these clauses was, that the boundaries of boroughs might be extended by Order in Council; and the other provided that when a new ward was added to a borough, the town-council might be increased. By the withdrawal of these clauses, the Bill had been reduced to an absurdity and an impracticability. They were now pursuing the same course with respect to sanitary matters which they did last year with respect to railways. They last year created a Commission for Railways; and they then said they would determine in the present Session the plan on which it was to act. They had now come to the end of the Session; but no new duties had been imposed on the Commissioners; and at present they had no more duties to perform than could be executed by a couple of clerks. This was precisely the course they were pursuing with regard to the Sanitary Commission.

VISCOUNT MORPETH, with respect to the omission of the clauses alluded to by the noble Earl, was prepared to defend the course he had taken. He had consented to the omission of these clauses because it had been repeatedly urged that it was hardly a constitutioaal power to enact that the Crown might make, without the consent of Parliament, alterations to any extent in the boundaries of boroughs. However important he might have considered the clauses, as assisting in carrying out this measure, he should persist in calling on the House to go on with the Bill, notwithstanding the omission of these clauses. In those places where the Bill could not be carried into immediate effect, advantage would arise from passing it; for under it they would be enabled to make inquiries as to the districts which should be added to the towns for the purposes of this Bill; and before next Session full reports could be made on the subject, so that then they would be enabled to bring the subject to a final settlement. In all those towns where an alteration of the boundaries was not called for, the Bill could be brought into operation without delay.

MR. ESTCOURT felt, if the object of the Bill was only to see what could be done next Session, it would be better to confine the Bill to the regulations as to making new boundaries to the boroughs and towns affected by it. It was clear that they could not enforce the regulations embodied in it at present.

MR. HENLEY thought, after the observations of the noble Earl, that it must strike every one as to the uselessness of proceeding with the Bill during the present Session. He agreed with his hon. Friend that it would be better to limit the Bill to inquiry into boundaries.

LORD J. RUSSELL said, that his noble Friend had already stated very clearly that in many towns this Bill could be carried into immediate operation; but there were some places, in consequence of the way in which the Bill had been framed, in which it could not be carried into effect until there had been an alteration in their boundaries. In some cases an extension of the area for drainage, so as to carry out sanitary regulations, was absolutely necessary. The noble Lord (the late Chief of the Woods and Forests), in his Bill, proposed that entirely new areas and boundaries should be taken for the boroughs, and also that a new representative body should be created to carry it into operation. He thought the plan of the noble Earl was open to very grave objections. He thought the body which was entrusted with the administration of the municipal affthe administra- would best effect the objects aimed at by this Bill; and the creation of a new body for this purpose would be attended with great inconvenience by interfering with the municipality. According to the plan first proposed in the Bill, power was given to extend the boundaries of boroughs by means of Orders in Council. This was liable to the objection, and, as he thought, the very fair objection, that the power given to such Order in Council should only exist by Act of Parliament. His noble

Friend, therefore, proposed to take those places where the area was already fixed by Act of Parliament, and where the measure could be carried out without interfering with them. He thought that the plan of his noble Friend was much better than the one proposed by the noble Earl. It was, he admitted, making the reform more gradually, but at the same time more securely.

Lord G. BENTINCK thought, they were blindly legislating on this subject. It was most unreasonable on the part of the noble Lord for him to press this Bill, and endeavour to smuggle it through the House at a twelve o'clock sitting, when forty Members were not present. It would be better for the noble Lord (Viscount Morpeth) to dispose of the measure altegether, if he could not induce the noble Earl (the Earl of Lincoln) to take it in hand, as he seemed altogether incapable of taking care of it himself. His hon. and gallant Friend the Member for Cheltenham, with more candour and honesty than he could have expected from him as the representative of Cheltenham, said, that the town to which all infirm and ailing persons resorted for the recovery of their health was in a worse situation than any other with regard to the prevalence of fever and miasma. If such was the state of drainage under the commissioners, it was not calculated to increase the reputation of the town.

Mr. CRAVEN BERKELEY was sorry that the noble Lord, after their long acquaintance, should have charged him with a want of candour and honesty. He had merely stated that, according to the annual returns of deaths, the mortality at Cheltenham was greater than in any other place in England of the same size. He had never stated that fever and miasma prevailed to any great extent, for he was not aware of anything of the kind. Why he wished this Bill to be successful was, that the municipal affairs of Cheltenham were managed by a self-elected body of the political friends of his noble Friend, and they carried on matters upon the rotten-borough system. His object was to get rid of the friends of his noble Friend.

Lord G. BENTINCK remarked, that it was the last thing in his mind to raise any doubt as to the honesty and candour of his noble Friend. Indeed, he believed his hon. Friend's honesty was greater than his own.

Clause agreed to.

House resumed. Committee to sit again.

PUBLIC BUSINESS.

Lord J. RUSSELL: I stated at an early period of the day, that I would state this evening the course which Her Majesty's Government intended to take with regard to certain Bills which stand amongst the Orders of the Day. The first to which I shall direct the attention of the House is the Encumbered Estates (Ireland) Bill, the Committee on which stands for this evening. The object and intention of that Bill would be found, I am convinced, very beneficial to the country; but, from late inquiries that have been made upon the subject, it appears that very great alarm has been excited by it. Not an alarm occasioned by the special provisions of the Bill itself, but by the contemplation of new powers being given by an extensive measure of this kind. It is said, by persons well qualified to speak upon the subject, and well qualified, also, to be entitled to attention, that several millions sterling, which have been advanced upon mortgages of estates in Ireland, would be called in if this Bill were passed. If we were now in an early period of the Session, I think those objections could be removed, and the Bill appear unexceptionable; but at the present period of the Session I think it would be impossible to allay the alarm which exists. We think it necessary, therefore, to defer to another Session the further consideration of this Bill. There is another Bill which stands third upon the Orders of the Day, the Prisons Bill, which is likewise one that has passed through the other House of Parliament. The Secretary of State for the Home Department finds that the arrangements to be made under this Bill are not necessary to be carried into effect during the present Session. The further progress of it may therefore be postponed to another Session. Another Bill, which also was just introduced into the other House—I mean the Custody of Offenders Bill—it is proposed to go on with. A Bill which stands among the Orders for Wednesday, the Parliamentary Electors Bill, we will proceed with through the second reading. I propose to read it a second time; but it is not my intention to proceed further with it in the present Session than the Committee. With regard to the other Bills, the Polling at Elections (Ireland) Bill, the Navigation

Bill, the Post Office Bill, and the other Bills that stand upon the Orders of the Day for to-night, we propose to go on with in the present Session.

Bill passed through Committee.

House resumed.

PORTUGAL.

On the Order of the Day for going into Committee of Supply,

Mr. B. OSBORNE rose to call the attention of the House to the present state of Portugal, and the situation of the British naval and military forces in that country. He said that in doing so he would promise the House not to delay them by entering at length into the proceedings in Portugal, which formed the subject of the recent debate. But he thought there were many hon. Gentlemen who would agree with him in opinion, that on a subject of such very great importance and magnitude as the late armed intervention in the affairs of Portugal, it was not right to leave the question as it now stood, or that the present Parliament should close without some defence being made by the noble Lord the Secretary of State for Foreign Affairs for the course which he thought right to pursue towards that country. In bringing the subject forward, he trusted that the noble Lord the First Minister of the Crown would not attribute to him the unworthy motive of obstructing the Government by preventing the House from going into Committee of Supply. He must premise that he did not think the speeches of the two Ministers of the Crown who took part in the debate on a late occasion, contributed to show any just or sound pretext for an armed intervention in Portugal; nor did he consider that the speech of the right hon. Baronet the Member for Tamworth—who was the real divinity that came to the defence of Her Majesty's Government, and not the hon. Member for North Warwickshire (Mr. Newdegate)—had been without an attempt to disguise the real state of that question. For what was the question? Why, that the Queen of Portugal having violated her oath on every occasion, and having trampled on the constitutional privileges of her subjects, forced them to rise in defence of their freedom. And it was not until success promised to attend their efforts that the British Minister thought fit to interfere in support of the Queen's Government. It might be said that the British Minister was induced to interpose from his love of constitutional liberty; but did he not perceive that, by the course which he took, he showed his love of liberty by kicking the popular party down stairs, and by giving his support to a Sovereign who had shown herself incapable of governing in a constitutional manner. He thought the noble Lord the First Minister of the Crown and the right hon. Gentleman the Paymaster General of the Forces had both failed in making out a case for armed intervention. It was quite true that they spoke of the necessity of maintaining the dignity of the Portuguese Crown; but he asked, was it possible to maintain the dignity of that Crown in the absence of all truth on its side, and in a state of things where the liberty of the people was trampled upon, and where there was neither security for private honour nor for public interest? Neither they nor the right hon. Baronet made any attempt to defend the unconstitutional conduct of the Portuguese Government. An endeavour was made to induce this country to believe that, however unwilling the British Government was to interfere in the affairs of Portugal, it was forced to do so in consequence of the remonstrances of France and the threats of Spain. He believed, however, that at the present day no British Government could stand up and defend armed intervention on such a dishonourable plea. He was prepared to prove that from the very commencement of the affair, to this day, the conduct of France had been throughout irreproachable. The French Government sedulously endeavoured to persuade the Portuguese Government to come to terms; and though it gave a lukewarm consent to the intervention in the end, it by no means expressed a wish to interfere in the struggle. In the French Chambers, M. Guizot distinctly denied the whole case laid down in that House, and refuted the assertion that he had ever impressed on the noble Lord at the head of Foreign Affairs the necessity of interference in the affairs of Portugal. And was not that assertion on his part carried out by the recent acts of the French authorities and by the French forces in that country? What was the conduct of the French captain commanding before Oporto? When he was asked to sign the threat of menace, he did so with considerable hesitation; and even to the end declared that he did so in no diplomatic character, and that the Consul should be responsible for the act; while the French Consul, on being applied to for his signature, positively refused to put his name to the paper, and to that day he had not signed it. He thought these facts, combined with the very clear and concise speech of M. Guizot in the Chamber of Deputies, were conclusive evidence that France was not the first to impress on the noble Lord the necessity of an armed intervention. Besides, the French steamers, on being applied to, actually refused to take the prisoners on board, saying to the Queen's forces, "If you want gaolers, go to the English fleet." It was very evident from all this that the noble Lord had been birdlimed by that great master of diplomacy—the French Monarch —who would in due time, no doubt, reap the harvest of the interference. He next came to the most extraordinary of all the declarations ever made by a Minister of the British Crown, namely, that the Government of this country was forced, in the nineteenth century, into an armed intervention in Portugal, from fear of Spain. He had pledged himself not to enter at length into the entire question, and he would promise not to read a single extract from the papers that had been laid on the Table; but he could not avoid quoting a few sentences from the French blue book on this subject. [The hon. Gentleman read an extract from a despatch of the Count de Jarnac, dated London, May 24, 1847, stating that the Plenipotentiary of Her Britannic Majesty had declared himself ready to offer and prescribe on the spot the co-operation of the naval forces of Great Britain in support of the Royal cause in Portugal; but that the British Government, considering that a joint intervention of the allies would be infinitely preferable to intervention by any one of them alone, proposed that a protocol should be issued; that this advice was supported by the Portuguese Plenipotentiary; and that the Spanish Plenipotentiary stated that he was without any power from his Court to sign any such arrangement, but that he would write to Madrid that evening, to hasten the intervention of the Spanish forces in Portugal.] It thus appeared that the proposal to support the Royal cause in Portugal, came from the noble Lord in the first instance, and that neither the Plenipotentiary of France or of Spain interfered in the arrangement. It also appeared, from this despatch of the Count de Jarnac, that the noble Lord actually proceeded himself to draw up the first draft of the protocol. After these facts, he did not conceive how the noble Lord would be able to explain away what occurred, or to satisfy the House that unless this Government had consented to interfere, they would incur the danger of a European war. All the evidence before them proved directly the contrary of this assertion. He believed the noble Lord was the only man in that House who was able to explain those facts; and he had no doubt but that the noble Lord felt delighted at being afforded an opportunity of doing so. But what was the present state of Portugal? As to the Junta at Oporto, he believed that even those who were opposed to them would admit that they had conducted themselves in a manner which did honour to their cause. He could not conceive under what pretence of law the attack upon their forces, under the Count das Antas, and the imprisonment of that officer, with 4,000 of his men, at St. Julian, was justified. Or why was it that this country should be put to the expense of 150*l.* a day for the support of the men who were taken prisoners? He did not think that the noble Lord, great as was his faith in the Queen of Portugal, would attach equal value to the Portuguese debentures issued in her name. On the contrary, the noble Lord was well aware that he was hourly plunging this country into expenses in support of the dynasty of that country, and that it would be very well if the proceedings did not in future run them into the expense of an European war. The attack on the forces of the Junta was certainly the most inglorious essay ever made by the British fleet. But what was the next step taken? The forces of the Junta at St. Ubes were ordered to capitulate; and Sa da Bandeira with 300 men repaired to the British fleet, while the remainder of the force, under Galamba, retreated. It was with feelings of shame at the disgrace which the transaction reflected on the British name, that he perceived a signal was given from the British fleet to General Vinhaes to attack the retreating forces, and that he led on his dragoons to massacre the fugitives. He hoped hon. Gentlemen in that House would not be bamboozled by any attempted excuse that might be made for such a proceeding. They had a people justly in arms in defence of their freedom; and yet there was the British fleet making signals that they might be attacked in their retreat. An amnesty was proclaimed on the 9th of June, and was at once made known to the supporters of the Junta; but no trouble was taken to inform them that a supplement to that proclamation was issued on the 10th. The first of these was issued from the Palace of the Necessidades—a very good name; for if the Queen had not been in necessity, the noble Lord would never have interfered at all. The House was aware of the nature of the amnesty; but it would not perhaps be wrong to remind it of the nature of the supplement which afterwards appeared. The decree declared—

> "In order to obtain the submission which is due to me, and to re-establish public order, I have resolved to adopt all the measures which humanity and public safety demand; such as to accord an amnesty on an exceedingly wide scale, and the restitution of all the employments which the constitution and the laws have decided cannot be lost except after a formal order, motived by impropriety of conduct on the part of the holders; and the restoration of all honours. I have also resolved to convoke the Cortes, and have the elections proceeded with as soon as public order shall have been restored in all parts of the kingdom; maintaining in all its plenitude the liberty of electors, the free exercise of all rights, and the scrupulous and impartial execution of the constitutional charter in all its provisions."

The supplement, however, went on to state, that—

> "Having conceded to all who have been implicated in the revolt which has been carried on since the 6th of October last, a full and general amnesty by my Royal Decree of the 28th of April past, and which was published conjointly with the Proclamation of the 9th instant, which called them to a rightful submission, assuring them after such submission the execution of the provisions of the said Decree; and having taken into consideration that in consequence of a wrong interpretation which has been given to those Acts, there have resulted excesses and disturbances of the public peace: It is hereby declared, that the above-named provisions of the Decree referred to, of the 28th April last, will only take effect after the complete submission of the revolutionary Junta of Oporto, and of the armed bodies who sustain the revolt; the Government being prepared, until such submission is given, not only to adopt all such measures as the security of the public peace may call for, but to adopt all necessary measures to put an end to the said revolt. The Ministers and Secretaries of State of the several Departments will take it as so understood, and see it executed."

Now, he would maintain that the Junta was strictly justified in not submitting until all the conditions of the first proclamation were carried into effect. One of these conditions insisted upon was the removal of the Ministry; but though their removal was promised, these very men, who were a disgrace to civilized Europe, were to the present day in the possession of power, and were the advisers of the Sovereign. He would defy any civilized country in the world to produce such a body of men as the Ministry to whom the Junta were expected to lay down their arms. There was no President of the Council, a thing, he believed, unusual in Portugal. The whole body, under the pretence of not being a Cabralist Ministry, was composed of the rankest Cabralists; and even greater partisans, if possible, than their predecessors of that Jonathan Wild of European diplomacy — Costa de Cabral. The first of them was M. Bayard, the Minister of Foreign Affairs, whose connexion with the proceedings of the 6th of October would be remembered. Then they had Tavares Proenca, Minister of the Interior, answering, he believed, to the right hon. Baronet the Member for Devonport in this country. Viscount da Barca was Minister of War; and Count Tojal was the Finance Minister—the Sir Charles Wood of the Portuguese Government, but very unlike that excellent Minister in every one particular. It might be well to inform the House that this Count Tojal was a public defaulter in this country—that it was principally owing to him that the taxes on salt and burials had been constituted—that it was at his suggestion the large creation of new Portuguese bonds had been sent to this country—and that he was, in fact, an individual too well known on the Stock Exchange. The fifth was M. Leitao, the Minister of Justice, who was said to be a very amiable man, but who had very little power in the Ministry. He wanted to know why it was, that at such a peculiar crisis as the present, the British Ambassador at Lisbon (Lord Howard de Walden) and Mr. Southern, two men who understood the condition of the country so intimately, and who had exhibited so much skill and judgment in the transaction of public business, had been recalled, and replaced by two Gentlemen, who, however amiable and excellent, had no more knowledge of Portugal than had been shown by the noble Lord himself. One of them, Sir Hamilton Seymour, had come from the Court of a Monarch to whom he (Mr. Osborne) was disposed to attribute some blame for what had taken place—he meant the King of the Belgians. Sir Hamilton Seymour knew nothing of Portugal, and had necessarily to go to the English Consul at Lisbon for advice and information. Now, the latter was married to the sister of the Count Tojal; and it was therefore very natural that all the information which reached Sir Hamilton Seymour and our Government came through Count Tojal and Mr. Smith. Lord Howard de

Walden had displayed great knowledge of the country, and had conducted himself admirably; and why he was recalled would, it was to be hoped, be explained by the noble Lord. Our Government should have insisted upon an entire change in the Portuguese Administration. There would then have been no difficulty in bringing the Junta of Oporto to terms, and the whole question would then have been settled without any necessity for the noble Lord's protocol. One cause of the present state of things was the influence at the Court of Portugal of a certain Padre Marcos, chaplain to the Queen, a creature of Cabral. This chaplain was at the head of a political club of servants in the Palace; and his character might be estimated by the fact, that although he was a priest and confessor to the Queen, he was the father of a very numerous family of sons and daughters. The conduct of this person, in fact, had disgusted every party in the State; and he would ask the noble Lord what confidence could the people of Portugal feel in a Government which made such appointments. The conduct of the Junta of Oporto presented a perfect contrast to the proceedings of the Court. Greatly to their honour and credit, there had been no disturbances at Oporto; British life and British property were secure in that city; but we had been obliged to retain Das Antas for fear of assassination. It must be remembered, also, when the House was called upon to trust the Queen of Portugal and the armistice, that Marshal Saldanha had taken advantage of the suspension of the armistice to advance; and that, although the British Consul remonstrated, he refused to fall back. Then, there was the treatment of the Count Bomfim and the prisoners taken at Torres Vedras in the settlement of Angola. The noble Lord must confess, that the treatment of these persons had been in the highest degree exceptionable. They surrendered upon an honourable capitulation—their lives were to be spared, and their property saved; but what was the first step of Government? Why, positively to rob them of their property, and then to consign them to a convict ship to be transported to a penal settlement. These gallant men arrived at Angola in rags. So great was their destitution that a subscription was made for their relief, and they were clothed at the expense of the inhabitants. The Portuguese Government had treated them like the worst class of felons. They ordered the sons to be separated from the fathers, and dispersed amongst the most unhealthy parts of the settlement, with the exception of Count Bomfin, who was kept a prisoner on board a hulk. Now, he contended, that if the noble Lord could insist with firmness upon the retirement of M. Dietz from the Court of Portugal, it was much more incumbent upon him to have insisted, with all the vigour belonging to his character, upon the recall of these unhappy men. He regretted, however, to say, that throughout ths whole of these transactions he saw nothing on the part of England but sympathy with the Court, and that the interest of the people had throughout been treated as a matter of secondary consideration. What was the next step taken on the part of this country? Why, to threaten the bombardment of Oporto by the fleet. This threat he regarded as nothing more than a *brutum fulmen;* but there was every reason to believe that a Spanish army, at this moment, was in possession of Oporto. Perhaps the noble Lord at the head of the Government and the noble Lord the Foreign Secretary were then reading the despatch informing them of this event. Did the noble Lord the Secretary for Foreign Affairs forget, when he threatened to bombard Oporto, and when he actually allowed a Spanish army to march into it, that more than three-fourths of its commerce was carried on by British merchants? In 1842, the declared value of British manufactures exported thither was no less than 1,102,746*l.*; and 161 British ships of 122,922 tons arrived there. In short, the whole trade of Oporto might be said to be in the hands of British merchants, yet the noble Lord was risking it, and for what? To set up a constitutional Government? No; but to maintain a despotic and ungovernable woman upon the throne of Portugal. He would tell the House there was a strong feeling growing up both in Spain and Portugal, that as they had lost their colonies, it would be for their mutual interest to be united; and at the same time it was a significant fact that the people of Oporto, sooner than surrender to their own countrymen under Saldanha, gave themselves up to a party of Spaniards under General Concha. No wonder, indeed, at the surrender of Oporto, when it was threatened by a Spanish army on one side, and by a British fleet on the other; but what security could the noble Lord give that as soon as the Spanish garrison had withdrawn, the insurrection as it was called, would not break out again? He was by no means certain, whatever might be said by that House, that the next House of Commons would be willing to place the same confidence in the assurances of the noble Lord that all would go on right; but in the meantime how long was this country to act the part of a police in Portugal? How long were we to pay for the support of an army of prisoners in Portugal? With reference to what had fallen from the right hon. Gentleman (Mr. Macaulay) during the last debate on this subject, he would ask him to consider that we were now dealing with events in the nineteenth century, and that the public sympathies were with the people rather than with the Court. A struggle was in fact going on throughout Europe between popular and despotic principles; and he was certain that much of it was owing to the Quadruple Treaty. England ought to be extremely guarded how she entered upon the principle of intervention. The last remains of the independence of Poland had been swallowed up in Cracow. Austria was already pressing upon Italy, and encouraging France to press upon Switzerland. The King of Prussia was oscillating between the fear of offending the Emperor of Russia, and the wish to give a constitution to his subjects. And at this time the noble Lord, under the plea of guaranteeing the throne of the Queen, attacked the popular principle in Portugal. He founded a foreign throne upon a British fleet and Spanish bayonets. The noble Lord knew this was the last experiment he could ever make upon this subject. If there was a public in Spain (which he much doubted), they would not submit to this tampering with constitutional rights—this erection of thrones on foreign bayonets. One word, however, must be said for the English people. When they came to understand this question, an end would be put to protocolizing and intervention. They would not consent to be taxed for the support of despotic principles. They would recollect that under the two first Georges the wealth and blood of this country had been spent, not for their benefit, but for the aggrandizement of Hanover; and recollecting that, he much misjudged them if, for the selfish advantage of the House of Braganza or the House of Coburg, they would interfere in any war which had for its object the oppression of the Junta of Oporto, and the maintenance of the Queen of Portugal upon the throne. In conclusion, the hon. and gallant Gentleman begged to propose the following resolution, and he called upon the noble Lord to second it:—

> "In the opinion of this House, it is incumbent on the British Government, as it has made itself a party to an armed intervention in Portugal, with the avowed view of adjusting internal differences in that country, to insure to the Portuguese Nation the full and complete enjoyment of their constitutional rights and privileges, and also to insist on the immediate recall of the Count Bomfin and his companions in exile from the penal settlement of Angola, and, if necessary, to facilitate their conveyance to Europe."

VISCOUNT PALMERSTON: I certainly do not rise, Sir, for the purpose of seconding the Amendment which my hon. Friend has now proposed; not that I object, in any degree, to the spirit, and meaning, and substance of it, but because we are anxious to go into Committee of Supply. My noble Friend the First Lord of the Treasury on a former occasion stated the entire concurrence of Her Majesty's Government in the substance of the Amendment moved by my hon. Friend the Member for Finsbury; and therefore I can have no difficulty in assuring the House that Her Majesty's Government will feel it their duty to exert the influence which properly belongs to Britain, for the purpose of obtaining from the Government of Portugal a full and perfect execution of the Articles that are recorded in the Protocol. My hon. Friend who has just sat down was perfectly right in his surmise that my noble Friend and myself were engaged in reading the communication which announced the conclusion of the drama which has been going on in Portugal—that drama of which my hon. Friend the Member for Montrose (Mr. Hume) gave us the prologue, and of which my hon. Friend (Mr. B. Osborne) has this day pronounced the epilogue—a drama in which, if we had not taken upon ourselves in some degree the duty of stage-managers, would, instead of being what it may in some degree be considered, as rather partaking of a comic character, have been a tragedy of a serious description, marked either by wide-spread, destructive, and desolating anarchy, or by the establishment of a cruel and revengeful tyranny. Sir, the principles upon which we acted were those of avoiding either of these two extremes. My hon. Friend, however, has this evening appeared not merely in the character of the deliverer of a very able epilogue, but in a new function—one partaking somewhat of an obstetric character; for he has come forward to assist me in the deliverance of a certain speech. I am afraid, however, my hon. Friend will not be successful in delivering me of the speech which it might have been my duty to make upon a former occasion, because the full-grown offspring which proceeded from the head of the right hon. Baronet (Sir R. Peel), to whom he alluded, and who made, as he himself has stated, an able defence of our policy— [Mr. B. OSBORNE: I said special pleading.] The speech of the right hon. Baronet supersedes, however, the necessity of any delivery on my part of the infant effort which on a former occasion I might have produced to this House. I say, therefore, to go now, at this time of day, into the details of this question—to expound, step by step, the course of policy Her Majesty's Government thought it their duty to follow—would be only to weary the House by matters which, however they may be viewed by my hon. Friend, and by some who agree with him, are, I believe, settled in public opinion to the satisfaction of this country at large. I am convinced, however some hon. Gentlemen in this House may still view with dissatisfaction the course pursued, the country at large is satisfied our course was a wise one, and that our object was that which we avowed, namely, not the establishment of tyranny, but the maintenance of the liberties of the Portuguese people. I do not stand here to defend the Government of Portugal from the charges which my hon. Friend has made against them. I do not stand here to vindicate the character of chaplains and confessors. I would rather be excused from stating my opinion upon the details of late transactions; but I have no hesitation in saying, that, in my humble opinion, the Government of Portugal was wrong in the course they pursued in October last; and I have no difficulty in avowing, when the Crown of Portugal, by its advisers, said to the people, "You shall have no Parliament in which to state your grievances," the people were justified in saying, "If you give us no Parliament in which to state our grievances, we will state them ourselves by arms and force." Sir, the object of our interference was a recall of the Parliament. It was to relieve the people of Portugal from the necessity of that irregular political proceeding—to give them a Parliament in which to state their grievances, and to restore the battles of political party to the legitimate arena of the Senate. That was our object—that was the mainspring which directed the policy which we have pursued. I think, if any man will take the trouble of reading patiently the pages of the blue book, he will see that was the course which, day after day, and week after week, we followed. Sir, what did we do when we were long ago appealed to by the Governments of Portugal and Spain? We were early in the day told by the Government of France—not, as my hon. Friend erroneously imputes, of an intention to interfere directly by arms; for the French Government did not call for actual interference—but I say, we were told, early in the day, by the French Government, that the case which existed was a *casus fœderis* under the Quadruple Treaty. If a Government like that of France states that a case has arisen under the provisions of a treaty, according to which it is liable to be called upon for military and naval aid, it is establishing a distinction without a difference to tell us that that Government did not invite us to interfere. Sir, my hon. Friend denied that a case might happen, if the parties went on in the line in which they were then going, in which Spain also, under the provisions of the Quadruple Treaty, would be compelled to interfere by force of arms. Latterly, towards the conclusion of these negotiations—however my hon. Friend may repeat the notion that our interference was begun that we might not give displeasure to Spain; for it was not the fear of displeasure to Spain that was the motive for our conduct—he will see that Spain from time to time kept announcing its intended interference, with us or without us; and that at last, in April of this year, M. Pacheco told us that, anxious as he was to make the conduct of Spain conformable to the wishes of the other Powers, and would endeavour to do nothing without the accordance of England, yet, as he said, being deeply interested in the question, if the tranquillity of Spain and the security of the Throne of the Queen of Portugal should by circumstances be placed in danger, with or without England Spain must act, because the Government of Queen Isabella could not permit the Throne of Queen Maria to be overthrown by popular commotion. Well, then, we had two objects in view: we wished, first, to persuade the Portuguese Government to do that which we thought they ought to do, namely, to use conciliation toward the discontented people; to pacify the country by making proper concessions to those who thought they had grievances which required redress; to negotiate with the Junta, and in that way to put an end to the civil war. On the other hand, we were using our utmost endeavours to prevent the forcible interference of Spain. In the one object we unfortunately failed; in the other, up to the last moment, we have succeeded. Then it is said, why did we suddenly alter our course, and, having up to a certain time declined interfering, and preached negotiation and concession, all at once change our course, and agree to that interference which, up to that moment, we had declined? Why, I think, Sir, the blue book itself fully explains the reason for that change. We exhausted every method of persuasion to prevail upon the Portuguese Government to pursue the course which we thought right. The Queen of Portugal was willing to pursue that course; but her Government resisted it. Her Government at last partially gave way; but the head of that Government, who, being not only the President of the Council but also the Commander-in-Chief of the Army, was a person of considerable weight and consequence, without whose concurrence nothing could be effected (the Marquess of Saldanha), at last declared that he would not be a party to any concession or to any measure of conciliation — that he would resign his offices and his command if conciliation were adopted, and if Spanish interference were not to be resorted to. Then it was that a decision became necessary: it became necessary that we should make a speedy and immediate decision; because events were then advancing much more rapidly than had hitherto been the case. We might have said, we will do nothing — we will leave things to take their course. Now, which of the two courses would my hon. Friend have had us take? Which of the two modifications of the course would my hon. Friend have wished us to adopt? We are told we should have adhered rigidly to the system of non-interference. Why, non-interference in a case like that of a Portuguese civil war could be nothing but a total and entire non-interference, leaving things solely and entirely to themselves. That statement means, then, that we should not have endeavoured to interfere to prevent the Spaniards doing what they wished; because if the Queen of Portugal — an independent Sovereign — asked a friendly ally (Spain) to render her assistance, then non-interference, to be consistent, says that we should abstain from meddling at all — that we had no business to check Spain — that it was for Spain alone to determine whether she should interfere or no—that we should upon no account put pen to paper, but should allow Spain to do whatever she chose. Now that would have been entire and equal non-interference; but I should like to know how that would agree with constitutional and popular principles. There was a Spanish army collected on the frontier—we were told that Count Thomar was pulling the strings at Madrid; that his agents and creatures were at Lisbon—why, Sir, the inevitable consequence of non-interference on the part of England would have been that a Spanish army would have entered into Portugal, and we should have had the very thing which my hon. Friend thinks so disastrous and so calamitous in its character, viz., Spanish interference in the affairs of Portugal—not such an interference as that which has now taken place, controlled, and regulated, and determined by a co-operation and conjunction with other Powers—not an interference directed to the legitimate object of re-establishing a constitutional Government in Portugal; but a Spanish interference directed by that Count Thomar, who is the object of dread to my hon. Friend, in conjunction with the Padre Marcos at Lisbon, a Spanish army being sent into the country by Count Thomar to carry out the views of Padre Marcos and the arbitrary party in Lisbon. That would either have produced a national revolt and struggle between the Spanish and the Portuguese people, or have led to the establishment of that system of arbitrary and tyrannical government against which the Portuguese people rose in May of last year, and again in October following. Nobody has yet said that that is the course which we ought to have pursued. Then it is said again, that we should have interfered not by force of arms and by an armed mediation, as we have done, but that we should have interfered to the extent of preventing Spanish troops entering Portugal, and not in any other way; that we should have said, "We will not interfere, and nobody else shall interfere." But, Sir, I contend that that would itself have been an interference. The Queen of Portugal sends for succour, and assistance. We say, "We won't help you, we won't mediate, we won't arbitrate, but we will prevent anybody else from helping you: we leave you, therefore, to fight single-handed against your discontented subjects." I say that would have been exercising a dominion over the Crown of Portugal which England is not entitled to exercise; but it would also have been inconsistent with those ancient treaties and engagements which bind the Crowns of the two countries. It is evident, then, that either of those courses would have left Portugal to be the prey of great and serious calamities; but if Portugal had been a country with which we had no political connexion by treaties, and no commercial connexion by trade—if the scene had been laid in some distant country, far away from us, and with which we had no concern or common interest, undoubtedly we should have left Portugal to shift for itself, and the Portuguese to take care as they best could of their own affairs. But looking, on the one hand, to the ancient treaties which bind this country to Portugal, and, on the other hand, to those interests of commerce which my hon. Friend described in regard to the single port of Oporto, it would have been of great injury and detriment to the interests of this country if Portugal had, by our neglect, been reduced to that state of anarchy which one event would have occasioned; and it would have been a matter of great regret to this country if we had been the cause of establishing an arbitrary despotic Government in Portugal. Then, Sir, the only course left was that which we pursued. We saw, on the one hand, that Spain would interfere. She told us so. We saw that unless we resorted to that extremity which has been suggested, of threatening Spain with war if she did interfere, no other course was open to us. But that was a proceeding which I think no man in this House would recommend; but I am sure if we had come down to this House, and had proposed a war with Spain, and perhaps, in consequence, a war with France, because we did not choose that a Spanish army should cross the frontier, that that proposition would not have been well received by this House or by the country. I say, then, that that was not the course which we ought to have pursued. Gentlemen talked of a war with Spain preventing interference with Portugal. Why, if the interference which Spain threatened had been an interference by way of sea, and we could have stopped it by a fleet, it might have been easy of execution; but would this House have sanctioned an expedition against Spain, in order to prevent the interference of Spanish troops. [Mr. OSBORNE: Mr. Canning did it.] Yes, Mr. Canning did it; but allow me to tell my hon. Friend that that was a very different case from the present. Mr. Canning did it in the exercise and the fulfilment of treaties and engagements. My hon. Friend the Member for Montrose did not tell me that Mr. Canning did it. He even objected to that measure, although it was proved to the demonstration and to the complete satisfaction of the House and the country that England was bound by engagements to take that step. But in this case there is no such treaty. We should have been borne out by no engagements and by no treaties. It would have been a purely Quixotic enterprise on our part to prevent what we considered an abuse of power; and I cannot myself imagine that the House or the country would have sanctioned such a proceeding. But, Sir, we therefore determined to regulate those events which we could not altogether prevent. We had urged the Queen of Portugal to negotiate with her subjects, and to redress the grievances of which they justly complained. She said she could not, because her Prime Minister and Commander-in-Chief refused to be a party to that proceeding. We then said—"Then we will do what they refuse; we will enable you to make those concessions to your subjects which we think you ought to make, and which nothing but a want of power prevents you making immediately. There has been a rising in the country; grant those concerned in it a full and complete amnesty: there are decrees which you have been advised to issue which are arbitrary and unconstitutional, and opposed to the rights and liberties of the people; revoke them, and place things upon their former footing; you have postponed the meeting of Parliament indefinitely—let the elections immediately take place, and call Parliament together; objections have been taken to the Government you had in October, on the ground that it is a renewal of the Government of May, in consequence of which the insurrection took place—remove that Government, and until Parliament appoints another, place in it men who shall not be objected to as members of the Cabral party on the one hand, or of the Junta on the other." For what else but those conditions was it that the people went originally into arms? The granting of those conditions would have been giving to the people of Portugal everything they asked, and even more than they had specifically required. [Mr. B. OSBORNE: Nothing has been done.] The hon. Gentleman says "nothing has been done;" why, it is only this very day that I have received an account that the Junta has agreed to terms. The Junta, no doubt very wisely, waited to see what the British Parliament would say. They have heard what the Parliament has done. It appears that they are satisfied with what England has done. Peace is restored; and now that that event has happened, contingent upon which those other arrangements were to take place, it is understood that they will be carried into execution. An amnesty has been published applicable to all those who have been in arms against the Government. A revocation of the decrees will no doubt take place now that the civil war is, I hope, over. The elections—you would not have them going on whilst a civil war was raging; no man in his senses could expect them to take place in such a state of things—will commence the moment the country is tranquil, and as soon as they are concluded the Cortes will no doubt be summoned. [Mr. B. OSBORNE: The Ministry.] It is stated that the present Ministry is the same as that against which the revolt in October last took place. Allow me to say that the men now in office are not the same men; and if they are—if any of them be liable to objections for not being in character conformable with the Fourth Article of the conditions—then I can assure my hon. Friend that all the influence of the British Government will be exercised to obtain from the Crown of Portugal a full and faithful exercise of that condition, as well as of all the other conditions. Well, Sir, my hon. Friend, however, says that the whole course of the British Government has been marked by a partiality towards the Crown of Portugal. Sir, that certainly is not the opinion of the party against whom the insurrection of the 6th of October was directed; on the contrary, complaints have been made of the partiality of Her Majesty's Government to the Junta. We have been accused of protecting them as much as we are now accused of protecting the other party. It was indeed said that they trusted to support from us, and that it was their confidence in the certainty and amount of that support which prevented them listening to the proposals that were made to them, or from themselves making proposals to the Government. Sir, my hon. Friend asks why was Lord Howard de Walden removed from Lisbon? Sir, Lord Howard de Walden deserves all the praise which my hon. Friend has given him; and if he knew as well as I know the manner in which Lord Howard de Walden performed his duties during the long course of time which he represented the British Crown at Lisbon, he would even add to the commendation which he has so deservedly bestowed. But Lord Howard de Walden had private reasons which made it necessary for him to leave Lisbon—he was obliged to go to the West Indies to look after his interests there, which were suffering from his absence; and it would not have been fair to have called upon him to make such a sacrifice, if his duties at Lisbon could be transferred to anybody else. Sir Hamilton Seymour was then sent out, and has performed his duties in a manner perfectly satisfactory—he has done nothing that has not been fully approved by Her Majesty's Government. Placed, in my opinion, in very difficult circumstances, in very complicated difficulties, with regard to which he could have no previous instructions, and in circumstances in which he was compelled to act at the moment, and upon his own discretion, he has acted with judgment, with courage, with firmness, with honesty, and in a manner worthy, in my opinion, of the representative of the British Crown and of the British nation. Sir Hamilton Seymour has been impartial between the contending parties, and for that impartiality he has been blamed by both; and that, Sir, is the lot of those who endeavour to steer an even course between conflicting and contending parties; it is their lot to be blamed by everybody, but whilst they are acquitted by their own consciences they will be indifferent to the censures which may be heaped upon them. My hon. Friend asked why Mr. Southern had been removed? I am not aware that he has been removed. He had obtained leave of absence for private reasons connected with the health of his family; but he thought it his duty to live at Lisbon, and there he has been, much, I say, to the advantage and the interests of the public service. The conduct pursued by Sir Hamilton Seymour has been that of an honest, an upright, and an able man; and, instead of attempting, as my hon. Friend has done, to draw invidious distinctions between the different organs of the policy of the Government, I can only say that they have all followed their instructions to the best of their ability, and with a judgment and a zeal which render them deserving of approbation of the Government and the public. I think I have now explained the points to which my hon. Friend has adverted. I have stated that it was the policy of our Government to induce the Crown of Portugal of its own accord to make concessions to the just grievances of the Portuguese nation; that we pursued the course until we at last arrived at a point at which we found it was impossible to obtain our object in that way; that we found the Crown would not follow the advice which we had tendered; and that we then felt that rather than leave Portugal to those great and serious calamities which, without any further interference, seemed to threaten that country, it was better to pursue the only course which lay open to us, and to unite with the Governments of Spain and France, for the purpose, not of crushing the liberties of the people, not of setting up an arbitrary and tyrannical despotism, but for the purpose of re-establishing the constitutional Government of Portugal, and of giving to the people the means of redressing their grievances in a legal and legitimate manner. My hon. Friend said that there was a blue book in France as well as in England, and that the account given in that book of the mode in which the protocol was framed, differed materially from the statements made in this House. Sir, there is no difference that I can perceive between these statements. My hon. Friend says, "How happens it, you say that one of the great motives for the course you pursued was the apprehension of Spanish interference; and yet it appears, by Count Jarnac's despatch, that when you assembled at the Foreign Office to make the protocol for joint interference—mark that, 'joint' interference—the Spanish Minister said he had no instructions for joint interference, and hesitated to agree to such a proposition?" Where is the inconsistency between the statements? We said, Spain announced that if we would not go with her, she would go by herself. The blue book is full of proofs that there was a party, particularly the military party, in Spain, which had a great desire for separate and independent action; and we are told by Count Jarnac that the Spanish Minister hesitated to tie up his Government as to the amount and duration of interference to be allowed, by accepting the engagement which we proposed to regulate the actions of his Government. So far from there being any inconsistency, I maintain that the account which Count Jarnac very faithfully gives of what passed, confirms and corroborates the very statements on which we found, in part, our justification for the course we have pursued. Sir, the Spanish Minister did undoubtedly at first say that he had no instructions for a protocol which was to determine the extent, and the range, and the duration of the movements of the Spanish army, but that he was quite ready to write to engage his Government to send a Spanish army into Portugal. After a very slight conversation, however, and a simple statement of motives and objects to him, he did agree, and did take upon himself the responsibility of binding his Government as to the manner, the objects, and the duration of the interference which the Spanish troops were to effect in Portugal. Would my hon. Friend have preferred that the Spanish army should have marched into Portugal on its own account, without any restrictions as to the time during which it was to remain there, and the period of its return? Those simple articles which we thought it necessary, with a view to a conciliation, for the Queen of Portugal to offer to her subjects, were recorded by the Portuguese Minister in the protocol; and they became from that moment an engagement, not only from the Crown of Portugal to its own subjects, but an engagement from the Crown of Portugal towards its Three Allies. Therefore I contend that the protocol did give to the people of Portugal a security for their constitutional institutions, which they would not have had if Spanish influence were allowed to be exercised without the consent and co-operation of the Three Powers. We have been charged with a desire to crush popular liberty in Portugal, and to encourage despotic authority in that country; but that is not the course we took at any time—it is not the course which England in these days has taken—nor is it, I will say, the course which she ever will pursue. It was very well for that great and powerful people of ancient times to assume it as their peculiar right and appropriate duty to impose fetters upon every man whose bosom glowed with free sentiments, or who entertained a love of native independence, and only to spare from the ruthless edge of the destroying sword those nations that were subdued or had submitted. Far different, however, has been the allotted task and the duty of England. Our duty—our vocation—is not to enslave, but to set free; and I may say, without any vain-glorious boast, or without great offence to any one, that we stand at the head of moral, social, and political civilization. Our task is to lead the way and direct the march of other nations. I do not think we ought to goad on the unwilling, or force forward the reluctant; but when we see a people battling against difficulties and struggling against obstacles in the pursuit of their rights, we may be permitted to encourage them with our sympathy and to cheer them with our approbation; and even, if occasion require, to lend them a helping hand, and bear them up against the difficulties that have beset them. We have done this—England has often and successfully exerted herself for the accomplishment of this object. If Greece has thrown off the yoke which bound her to the earth for so many centuries, and if she now enjoys a state of political independence, it is to England, in common with her other allies, that the thanks of the Greek nation are due. If Spain has escaped the double calamity of foreign domination and a domestic tyranny, it is to England that Spain owes her best thanks for having escaped from that double misfortune. If Belgium has ceased to be transferred from master to master as the tide of conquest ebbed and flowed over Europe, is it not to the influence of England—exerted under two opposite and conflicting Administrations, the Administration of the Duke of Wellington and that of Earl Grey—was it not England which had the greatest share in bringing about that happy event for the Belgian people? Then Portugal. If the House of Braganza has not ceased to reign, and if the people of Portugal now enjoy their civil and political rights, it is the strong arm of England that has enabled the people of Portugal at the present day to boast that they have a national dynasty, and that they enjoy political freedom. And though our neighbours on the other side the Channel are not disposed to acknowledge their obligations to this country, whom they very erroneously look upon as jealous rivals instead of single-hearted friends as we are—if the French people are able to enjoy the advantages of the revolution of July, without paying for it the penalty of a foreign war, it was the influence of England—also exerted under two Administrations, and exerted at least honestly, sincerely, and not without some effect, which hastened to secure for the French nation the enjoyment of those advantages. What, I would ask, is there in the conduct of the party now in power that justifies the hon. Gentleman in asserting that we are swayed by such base, dishonourable, unconstitutional, and un-English feelings as he has imputed to us? Sir, I repel that charge with as much indignation as is consistent with Parliamentary decorum. The reverse of these are the sentiments which have guided Her Majesty's Government. When we are supposed to have swerved from the proper path of duty, I can only say that the men who have suspected us to be guilty of conduct so unbecoming our station must very much alter their own feelings before they will be fit to hold similar situations in this country. Sir, our course has been straightforward and consistent. Our object has been neither to serve the Portuguese Crown nor to oppress the Portuguese people. We found Portugal a prey to civil war which threatened to lay waste the country, to deluge it with blood, to ruin its finances, to put an end to its prosperity, and to bring in famine as the only stop to military operations. Looking, then, at Portugal as our natural ally, as a country which it was important for British interests to maintain as a material element in the balance of European power—viewing it as very important to British interests that this country should remain a wealthy and prosperous friend, we thought we should best consult our duty in obtaining for the Portuguese nation those constitutional securities which, by the bad advice of the councillors of the Crown in that country had been suspended. Our object was to put an end to bloodshed, and in that we have succeeded. And in bringing the war to a peaceful termination—in transferring the struggle from the field of battle to the arena of Parliamentary debate, we have, I think, earned the thanks of political parties in this country, and given the Portuguese nation the means which the constitution and popular institutions of the country have secured to them of stating their grievances, of obtaining—and, if necessary, I will say of extorting—redress from the Crown. That has been our object, that has been the limit of our interference; and whatever some hon. Gentlemen may think, I leave our conduct with confidence to the country, and not only to our contemporaries, but to the impartial judgment of future times, to say whether we have swerved one hair's breadth from that constitutional course which it was the duty of this country to pursue.

MR. BORTHWICK complimented his

hon. and gallant Friend the Member for Wycombe on his success; for not only had he proved that our interference with the affairs of Portugal were uncalled for, but he had proved by the answer of the noble Lord the Secretary for Foreign Affairs, that the most honourable intentions and the most consummate abilities when brought to bear upon the subject were futile, and inadequate to put his arguments before the country in a satisfactory manner. He felt bound to disclaim, as far as he was concerned, all participation in the feeling which the noble Lord attributed to some one—to the effect that the Government sympathized with the progress of despotism, and felt not unwilling to advance it. He believed no hon. Gentleman in that House attributed any such feeling to the Government; but there were those who contended with success that the champions of the French revolution were men of high reputation and distinguished for the possession of many excellent qualities; but who considered that in aiding in the revolution they were defending the constitutional rights and liberties of the people. He did not mean to draw a comparison between the Members of Her Majesty's Government and the champions of the French revolution; but he submitted there would be no use in discussion if they were to be precluded from canvassing the actions of public men, because it was generally admitted they were amiable and commendable in their private capacity. He was willing to award the noble Lord his just meed of praise for the highest ability and the purest intentions throughout these proceedings; but he could not award similar praise to those who held office immediately before him. The difficulties in which Portugal and the Peninsula were involved, were the creatures of the inefficient policy which the Government that preceded him had adopted. He alluded to the period when the right hon. Baronet the Member for Tamworth occupied the position now better occupied by the noble Lord at the head of the Government, and when the Earl of Aberdeen was at the head of the Foreign Office. With respect to the more immediate subject for consideration, it appeared to him that the whole of the able address of the noble Lord placed the question upon the same footing as that argued by the noble Lord at the head of the Government, the right hon. Baronet the Member for Tamworth, and the right hon. Gentleman the Member for Edinburgh. It was not insisted that the principle of international law did not sanction interference. neither was it asserted that the treaties from the earliest down to the latest date justified such interference. It was true, a special case might have arisen; but he failed to detect any arguments which went to show that a special case was made out. There might have been a special case to justify interference in which national independence was threatened, or in which rebellious subjects might have attempted to overthrow the Throne; but in the present case the aggressor was the Crown. The noble Lord at the head of the Government argued that the constitutional Monarch had always a right to dismiss his Ministers. [Lord J. RUSSELL: I was dismissed myself.] He knew that the noble Lord had been dismissed in 1834; and he remembered there was a noble Lord who said at the time that an illustrious Personage had done it all. The circumstance of the dismissal of the noble Lord now at the head of the Government, could not, however, apply to the dismissal of the Queen of Portugal's Ministers; for on the occasion of his dismissal he was not locked up in a room, neither was the Commander-in-Chief sent for and compelled to sign a decree issuing orders to the army, and told that if he did not comply he would be shut up. The noble Lord surely did not sanction such an exercise of the prerogative of the Crown. The Ministers of the Queen of Spain were dismissed immediately after her Majesty had solemnly promised that the people should be fairly represented in the Cortes. The Queen of Portugal invaded the constitution — she violated the charter of the people, and postponed calling the Cortes, and made it impossible that the Cortes, when called, should represent fairly the feelings of her subjects. Upon this what happened? No solitary faction—no discontented political section of the people, but the entire nation expressed in a loyal and respectful voice its determination that the Queen and the country should be saved from the unhallowed domination of a foreign faction. No violence was offered to the Queen; for the safety of her person was guaranteed by the Junta. The true character of the affair could best be gathered from the letter which Mr. Southern wrote to the noble Lord at the head of the Foreign Office, on the 22nd of October, 1846, in which he said—

"I feel persuaded that the late sudden change of Administration in Portugal was partly brought about by advice from Madrid, and that Marshal Saldanha has unconsciously been serving as an instrument to forward the plans of the Count de Thomar and M. Gonzales Bravo, in which I believe Spanish intervention, and an intimate union for the future between the Governments of Lisbon and Madrid, figure as principal features. I have observed to the Marshal Saldanha, that in case of the interference of a Spanish force in the affairs of the country, whether morally or physically, the natural Minister of the Queen under such circumstances would undoubtedly be the Count de Thomar, who would very shortly be his successor, and who alone could attempt to carry out the measures of violent reaction and arbitrary government which would become necessary to keep down the opposition which would be made everywhere to the presence of Spanish troops in Portugal."

The entire Portuguese revolution, which was, in point of fact, the Queen's revolution against the Crown, was nothing less than a union between the faction that was over-riding the liberties of Spain, and the faction that was over-riding the liberties of Portugal, to distract the peace of Europe. But did the noble Lord succeed in establishing peace in Portugal—had he succeeded in establishing peace in the Peninsula? He did not believe the noble Lord had, for an attempt was being made to defeat the protest which the noble Lord had issued against the Spanish marriages; and at this very moment steps were taking for an arrangement which, when carried out, would make the Duchess of Montpensier *de jure* and *de facto* Queen of Spain. If he was right in that assumption, and, he believed he was, he asked in what respect had the noble Lord secured the prospect of peace? The noble Lord had referred to France and to Spain, and had claimed for England a share of the glory which had secured for them free institutions; but if it was indeed true that the people of Spain enjoyed liberty and the rights of free men, where was Espartero, the man to whom the Queen owed her throne? Where was he? Was he not in exile, and in disgrace? Was he any longer Duke de Victoria and a general officer? No, he was a private gentleman living in exile and retirement. Such was liberty in Spain. Not long ago a worthy burgher of Madrid was waited upon by an agent of police, and told to prepare himself for instant departure, as he had instructions to convey him to exile to the Canaries. No crime was even alleged, and no explanation was permitted, and the old man was carried away to die in exile. Was that, he asked, liberty—would the noble Lord say that the Cortes of Spain legally represented the feelings of the Spanish people? The noble Lord reminded them of Carlos: why, if Carlos had been on the Throne, would he have come within ten degrees of the present Queen in oppression and cruelty? The noble Lord would not answer that question, for he knew that the violation of liberty perpetrated by the Queen of Spain never was approached in the worst days of the Inquisition. The history of Isabella II. was written in the blood of her subjects. This was not an exaggerated statement—it was no dream of a heated imagination—but it was a fact which disgraced the nineteenth century and demoralised Europe, that for thirteen years the people of Spain groaned under tortures compared to which the horrors of the Inquisition were absolute liberty. Colonel Wylde, who had acted in direct opposition to the instructions he had received, and was throughout a partisan, had declared himself perfectly satisfied with Saldanha. Colonel Wylde knew at the moment he wrote that despatch that the Ministers had coerced the Royal will—had stood between the Royal will and the fulfilment of the obligations upon her; and yet he said these men would carry out, loyally, the conditions to which they had agreed. The noble Viscount, in his despatch of the 17th February to Sir H. Seymour, showed very clearly the injustice of sending the prisoners of war taken at Torres Vedras to the coast of Africa. Mr. Southern's despatch of the 9th February gave some reason to hope that the destination of the prisoners was altered; but on the 16th March following, the noble Lord reiterated his arguments. But all the while that the Spanish Government were making representations that the destination of the prisoners was altered, the prisoners were on their way to the coast of Africa, and were at present confined there in the condition described by the hon. and gallant Gentleman opposite. Every one of those prisoners had risked his life in the service of the Queen of Portugal, and were now loyal subjects of the Queen. Did the noble Lord expect that people so enlightened as the Portuguese would believe a Government that would not keep faith even with so powerful a country as that of England? He was endeavouring to show, that even if a pledge could have been obtained from the Queen of Portugal, it would have been useless, because Her Ministers never meant that it should be carried out. He thought he might claim some credit for rectitude of views at least, for twelve years ago he had predicted in that House that if Don Carlos and all his generals were banished from Spain, tyranny would still exist there. The noble Lord himself would not deny that for the last nine years at least the cause of liberty had been retrograding in Spain. He had shown, that the insurrection was not by the people against the Queen, but by the Queen against the Crown, and against the charter by which she possessed the Crown. Was there in the Queen's party one man in whom any section of the country had the slightest shade of confidence? Was there in that party one man who had the prestige of a respectable reputation? M. Dietz was not the only person obnoxious to the feelings of the people of Portugal. In the Cortes of Lamego, summoned in 1143 by Alonzo I., when he had delivered Portugal from the Moors, it was decreed that a female might succeed to the Crown of Portugal, provided she did not marry a foreigner. This happened just after that tie had been formed, which up to this hour united England and Portugal in such a bond of amity. He referred to the aid which Alonzo I. received from the English crusaders at the taking of Lisbon, of which it was written—

> "Our intimacy with Portugal commenced during the earliest days of that monarchy. An army of adventurers, stated to have amounted to 14,000 men, embarked in 200 ships, and composed of English, Normans, and Flemings, bound to the Holy Land, owing to stress of weather put into the Douro, where they waited eleven days for their leader, Count Arnold de Ardescot, whose vessel had been separated from the rest. In the interval a negotiation commenced, through the medium of the Bishop of Oporto, and it was eventually arranged that the fleet should proceed to the Tagus, where it arrived on the vigil of St. Peter and St. Paul, 1147. Alonzo I., lately proclaimed King, was at that time preparing his second attack upon Lisbon, a formidable position, garrisoned by a large army of Moors. The crusaders accepted the overtures made to them, and, having landed, materially contributed to the success of the enterprise. For this assistance they received a large portion of the plunder, together with valuable grants, of which many availed themselves by remaining in the kingdom. Almada and Sacavem were settled by Englishmen belonging to this expedition. On the taking of Lisbon an Englishman, of the name of Gilbert, also embarked in the fleet, was appointed bishop; and it is a curious fact that he ordered the breviary and missal of the Anglican church of Salisbury to be used in his diocese, which practice continued till the year 1536, when the Roman Liturgy was introduced."

The noble Lord at the head of the Foreign Office argued that we had a right to interfere in the affairs of Portugal, because France and Spain interfered—not that he feared France and Spain united, but he was afraid lest the Minister of the Queen of Spain might resign. In the Cortes of Lamego it was decided that the Queen of Portugal should not marry a foreigner. In 1383, Beatrice, the only daughter of the Queen of Castile, was married to John I., but was afterwards divorced; and in 1641 the Cortes confirmed those laws. They were also confirmed by the 90th Article of the Charter of 1826, and also by the Charter of Don Pedro, which forbids the Queen to marry a foreigner except under particular circumstances. Down to 1846 the Spanish nation were opposed to foreign marriages. He had gone into these details because he thought it right to justify from history the views which he took of this question. Vattel said that we make treaties, not with Sovereigns, but with States. When, in the reign of Joseph I., Portugal refused to sanction a family compact entered into between France and Spain, they said, "If you do not, we will annex you to Spain." What was the answer of Joseph I.?—

> "It is true that my country is exhausted—it is true I have not resources; but I am bound to England by friendship and treaty; and I would rather that the last tile of my palace should fall on my uncrowned head than that I should prove faithless to my treaty with England."

That was the language of Joseph I. By the Treaty of 1703 the noble Lord was bound to protect Portugal from any invasion that might be made by France or Spain. The second paragraph had these words:—

> "If ever it shall happen that the Kings ot Spain and France, either the present or future; that both of them together, or either of them separately, shall make war, or give occasion to suspect that they intend to make war, upon the kingdom of Portugal, either on the Continent of Europe or in its dominion beyond seas; Her Majesty the Queen of Great Britain, and the Lords the States-General, shall use their friendly offices with the said kings, or either of them, in order to persuade them to observe the terms of peace towards Portugal, and not to make war upon it."

The fourth, fifth, and sixth paragraphs were to the same effect. [Viscount PALMERSTON: Read the fifth paragraph.]

> "But if the foresaid Kings of Spain and France, or either of them, shall make war, or give occaion to suspect that they intend to make war, upon the provinces or dominions of Portugal beyond seas, the above-mentioned Powers of Great Britain and Holland shall furnish to his Portuguese Majesty such a number of men-of-war as shall be equal, or even superior, to the ships of the enemy; so that

> he may be able not only to oppose them, but even to prevent such attack or invasion, as long as the war shall last, or occasion require. And if the enemy shall take any town or seize any place, which they may fortify, in the foresaid provinces and dominions beyond seas, these succours shall continue until such town or place be fully recovered, or more towns and places, if more should be taken."

The Crown was a part of the State; and Vattel allowed that if the subjects of a State rebelled against the Crown upon unjust grounds, the Crown had a right to call upon its allies for assistance and interference. That was the only conceivable ground on which the noble Lord could justify his interference in the affairs of Spain. The clause to which the noble Lord referred bound the Crown of Great Britain to defend the Crown of Portugal against the insurrection of her subjects; but he (Mr. Borthwick) had demonstrated that in this instance there had been no insurrection on the part of the people—that it was the Queen herself who rose in rebellion against her own Crown. The whole of his argument was to show, that in the present instance there had been no ground for interference, either from the circumstances of the case, the expediency of general policy, or the principles of international law. He should support the Motion of his hon. Friend, because by this interference he contended that the Government had entailed upon themselves the responsibility of governing Portugal. The noble Lord was responsible to the House and to Europe for the acts of the Portuguese Government, which he had established against the constitutional and declared will of the people of that country. The noble Lord was also responsible for the confinement of the prisoners in Africa and at Lisbon. If the noble Lord had not interfered, the matter might have been properly settled, notwithstanding the threats of France and Spain, which should have been regarded as the idle threats on the tongue of cowardice. The whole affair, so far as France was concerned, was neither more nor less than a carrying out of the design so long harboured in the mind of Louis Philippe. From the time of his infamous succession to the Throne of France, in 1830, down to the present moment, he had but one view—that of establishing a tyranny over Europe. It had been said of him, that he was the Napoleon of peace; but his design was to effect by peace that which a nobler Napoleon attempted by means of war. At this moment life was held throughout the Peninsula only through the permission of Louis Philippe. He believed that before two years had elapsed it would be admitted by all, that the establishment of the Throne of Isabella in Spain had not contributed to promote the peace, tranquillity, and prosperity of that country. The noble Lord had taken on himself a great responsibility in establishing at Madrid a Throne which held up to Europe an example of mingled licentiousness, tyranny, and oppression, unequalled in the annals of preceding times.

MR. HUME denied the right of the noble Lord (Viscount Palmerston) to take credit to himself for having established the true continental basis of moral, political, and social liberty. The noble Lord had set forward the acts of his Government in a manner which would lead our neighbours to infer that we arrogated to ourselves full freedom to interpose in the internal affairs of every part of the world. Against these doctrines he protested. He was sorry that the noble Lord should proclaim such principles. They were unconstitutional in the last degree; and if we took on all occasions the course which the noble Lord defended himself for having taken in Portugal, on what ground could we oppose the intervention of Foreign Powers, if, unhappily, in future years, we should happen to be placed in a similar situation to that in which the people of Portugal had been now placed? He objected to the policy pursued during the last eight months; and he objected still more to the maintenance of that policy at this moment. If the noble Lord had interfered when the civil war might have been prevented, there would have been some justification; but he had never interfered until it was too late, and the result of the mediation had been to prolong the contest. The noble Lord had admitted the right of the insurgents to take up arms, and, with arms in their hands, to extort a full admission of their rights; but, if he was honest in that opinion, why, seeing that the people of Portugal were oppressed and deprived of their rights, had he permitted the intervention, the effect of which had been to withhold and deprive them of their rights? It did not at all follow that France would have interfered if we had refused. Even had it been so, there was no good reason for carrying the interference so far as we had carried it. The noble Lord had virtually undertaken the Government of Portugal. That being so, he (Mr. Hume) had a right to ask in that House, as the noble Marquess the President of the Council had been asked in another place, had the Queen, Donna Maria, been advised to act justly? Had she been counselled to recall those unfortunate men who had been sent prisoners to Angola, contrary to the faith of all treaties? [Viscount PALMERSTON: Yes.] He was glad to hear it. But, supposing that done, the noble Lord would nevertheless find himself in a kind of fool's trap, for, though Spanish troops were in possession of Oporto, and British influence prevailed, it did not at all follow that everything was settled. Nothing could be settled, tranquillity would never be restored, until those Ministers were dismissed from the Council of the Queen, to whom the noble Lord himself attributed all the mischief and all the evil. Why were those men retained in their position? Why, when it was found they refused to pursue the conciliatory policy suggested by the Queen, were they not at once dismissed? The first act enforced by the British Government should have been to call back the unfortunate exiles, to have advised Her Majesty to dismiss her Ministers, and then to allow the elections to come on throughout the country. Did the noble Lord think the people had any chance at the elections when such Ministers were in power? The noble Lord had represented this as the epilogue to the play of which he had pronounced the prologue. Nothing, he confessed, had occurred to alter the opinions which he had before expressed; and he feared that the real evil was only now beginning. Why did the noble Lord not advise, nay, compel the Queen to concede the political rights of her subjects? Until he did that, he would not act honestly to the Portuguese nation. Upon these grounds he (Mr. Hume) would maintain his former opinion; that opinion would go forth to the world; and if there was any common sense, or any respect for that constitution which England had hitherto enjoyed, remaining, the public would protest against the principles enunciated that day by the noble Lord. His hon. Friend (Mr. B. Osborne) had placed a proposition before the House. On reading it over, it seemed to him that such a proposition would pledge them still further to the principles of intervention; and, as he was an enemy of all such interference, he could not approve of a resolution which, if adopted, would compel us to continue the course we had commenced.

LORD J. MANNERS did not wish to enter on the general question, because it had been very fully discussed on a former occasion; and he would not have risen but for the declaration of the noble Lord, that the result of the Spanish and French interference in Portugal would be believed by the public to be satisfactory. He protested strongly against this opinion going forth to the world. He considered, on the contrary, that the people of England were not one whit more satisfied now than they had been some short time ago; and as for that occupation of Oporto inducing satisfaction with the course the Government had taken, he thought that if one thing made that course of policy more unpopular in this country than another, it was the fact that the second city of the kingdom of Portugal was at this moment in the possession of Spanish troops. What a subject for congratulation was it with an English Ministry that the second city of our ancient ally was now at the mercy of a hostile army of Spaniards! If the noble Lord had been able to come down and say —"Look at the triumphant result of our policy; we are already able to point out to you the return of Count Bomfin and his fellow exiles; they are already restored to their country, reinstated in the confidence of their Sovereign, recompensed for the injuries which had been done them, and repossessed of the honours of which they had been deprived;"—then, indeed, the noble Lord might have had some justification for the assertion that the people of England were satisfied with the policy of Her Majesty's Government. He would say one word in reply to the argument of the noble Lord in reference to the probable policy of France and Spain. They had heard *ad nauseam* in the former debate, and again that evening, that Spain would have alone interfered had England refused to do so conjointly; and the despatch of Mr. Bulwer, quoted on the previous occasion by the right hon. Gentleman the Member for Tamworth had been referred to that night, to show that M. Pacheco had informed the English Minister, that whatever the English Government might determine, Spain, under certain circumstances, was resolved to interfere. That despatch was dated the 5th of April; and that was the last relied on by the noble Lord in support and proof of his case. That despatch undoubtedly contained the words stated by the noble Lord; but on the 6th of April, the very day after, Mr. Bulwer wrote to his Government, relating an interview which he had had that morning with M. Pacheco, and detailing, as the result of the conversation, that, in reply to an intimation of Mr. Bulwer, that "the interference of Spain without our concurrence would be a serious affair," M. Pacheco said—"Of this rest assured, we shall do nothing without your concurrence." Why, after this distinct declaration on the 6th of April, what justification for his policy could the noble Lord discover in a despatch dated the 5th of April? And, it might also be asked, what did Mr. Bulwer mean when he told the Minister of Spain that an interference in Portugal without our concurrence was a "serious affair," unless, in fact, he was aware that his Government was prepared to take that course which the noble Lord now told them it was impossible for the Government, under any circumstances, to take? The noble Lord informed the House that we could not, on the principle of non-intervention, have justly objected to a Spanish interference in Portugal. The noble Lord had lived in the times of Mr. Canning, and he knew perfectly well that no such argument was heard in 1826. The principle of non-intervention was then laid down as distinctly as it had been now proclaimed by the hon. Member for Montrose; but it was then never said that we violated that principle in saying to Spain, "If you do interfere in Portugal, we shall go to war with you." That was then thought a very fair and very English way of vindicating the principle of non-intervention; and the reason simply was, that treaties, dated hundreds of years back, had been laid before the House, and had enabled us to come to the conclusion that we were bound by those compacts to take that course, and to tell the Governments of France and Spain that they should not interfere in the internal affairs of Portugal. The appointment and conduct of Colonel Wylde had been attempted to be justified in that discussion. He was one of those, though perhaps he was prejudiced on the subject, who did not think that the antecedents of Colonel Wylde rendered him the most fit and proper person to be sent on such a mission. But, if that appointment was justified by Colonel Wylde's intimate knowledge of the Peninsula, could the same reason be given for the appointment of the present Minister at the Court of Lisbon? What could be said of the appointment of a Minister who was utterly ignorant of the circumstances existing in Portugal, and who, of necessity, was obliged to derive all his information from the most prepossessed and partial of all the people of Portugal? To his astonishment, the right hon. Gentleman the Member for Tamworth quoted one of the earliest of the despatches of this, from his position, ignorant Minister, to show how amiable, how virtuous, how beneficent, was the conduct of that maligned lady, the Queen of Portugal. That Minister referred in terms of eulogy to the humane conduct of the Queen towards the people who were to be found in the hospitals of Lisbon. He had heard the right hon. Gentleman (Sir R. Peel) before then expressing himself captivated by what might be called transparent and tawdry tricks; but anything so absurd as that eulogy by our Minister at Lisbon on the conduct of the Queen of Portugal, he had never listened to. The noble Lord, in vindication of himself, had told them that night that affairs in Portugal had arrived at such a pitch, that when we asked the Duke de Saldanha to accept our mediation, he positively refused, and that, therefore, we were driven to an armed intervention. But let that very fact be taken, and let it be made the test whereby to judge of the impartiality of our interference. The Duke de Saldanha, practically the King of Portugal, refused to accept our terms. What did we then do? Did we go and bombard Lisbon; did we attack Saldanha; did we capture that one frigate remaining of the naval forces of Portugal? No; we simply stated, through Colonel Wylde, that we should continue to be his humble friend and devoted follower, and that we could not interfere to prevent him being defeated by his opponents. Did we pursue the same conduct to the Junta, to Sa da Bandeira, or Das Antas? No; the only terms we submitted to them were—"Accept our proposals, or encounter us in the field." And yet they were now told that the interference had been impartial, and that we had acted the part of an equal mediator. Could anything be more grossly inconsistent than the conduct we had pursued with regard to the two different parties? It was now said that the end justified the means; that, as a consequence of our efforts, Portugal was tranquillized, that the balance of power was preserved, and that the peace of Europe had been secured. He doubted and denied every one of those propositions. He thought, on the contrary, that the whole of our triumph, up to this moment, might be summed up in these lines of Dryden, which were so peculiarly applicable to the occasion:—

> "The Duke shall wield his conquering sword,
> The Premier make a speech,
> The Queen shall pass her honest word,
> The pawned revenue sums afford;
> And then ——————;"

but it was impossible he could finish the quotation. Such at this moment was the only description that could be given of the results of our interference. To the future he looked forward with dread and alarm. He saw a principle admitted, which might, and, as he thought, would, be pushed to an extent that at present they were not prepared for. He believed that in Spain and Italy they would see that principle of interference eagerly pushed by those by whom they would least desire to see it adopted; and he could derive no consolation in thinking, that now a Spanish army and an English fleet had triumphed over the unanimous voice of the oppressed and unhappy people of Portugal.

Mr. BICKHAM ESCOTT hoped that his hon. Friend would not press this Motion to a division. He thought that his hon. Friend had not treated the House fairly; for the notice which he had inserted in the Papers of the House of his intention of calling the attention of the House to the subject of Portugal, was different from the resolution which he had moved that evening. For all practical purposes the Motion was useless. He considered every object had been gained by the declarations of the noble Lord at the head of the Government, and the noble Lord the Secretary for Foreign Affairs. On this occasion, he believed that Her Majesty's Ministers had not acted an unworthy part in the late interference in Portuguese affairs; and he could not, therefore, vote for a resolution condemnatory of their conduct. Indeed, his hon. Friend admitted that he did not mean to pass a vote of censure on the conduct of the Government. Why, then, did he bring forward his Motion? His opinion was, that the Government ought to have interfered in Portugal as long ago as the month of January last, and that they should not have held themselves until matters had reached a crisis in April. He believed that in the course which they had taken, they had been actuated by a sincere desire to promote the interests of the people of Portugal; and his sincere belief was that the objects at which they had aimed had been finally and eventually promoted.

Sir De LACY EVANS could not concur in the doctrines which had been laid down by the hon. Member for Montrose with regard to non-intervention, because those doctrines were entirely at variance with that international policy which had been acted upon for centuries. In a variety of the remarks that had fallen from the hon. Gentleman who had brought forward this Motion, he could not concur, although in the general object of it he entirely concurred. As it stood, he did not think that it expressed the slightest censure upon the Government. He should have been better pleased had it been drawn up in exactly the same terms as the Amendment of the hon. Member for Finsbury (Mr. Duncombe). He was glad that these Motions had been brought forward, because they had been the means of eliciting from the two noble Lords (Lord J. Russell and Viscount Palmerston) their avowal that it was the determination of the Government to carry out the course which had been taken to secure to the people of Portugal the enjoyment of their constitutional rights and privileges. And he had not observed any shrinking from that avowal on the part of the other Members of the Government. The hon. Gentleman the Member for Evesham (Mr. Borthwick) had alluded to the various prophecies which he had made concerning Spain twelve years ago; and he proceeded to say that the history of Queen Isabella was written in blood. Why, he believed that the history of every Sovereign whose subjects had had the misfortune of having passed through civil war, might be said to be written in blood. He believed that the history of Henry the Fourth of France, one of the best Sovereigns that ever ruled that country, might also be said to be written in blood. The history of the revolution in the North American States, as indeed that of every revolution in which the people had struggled for constitutional liberties, might be denounced as having been written in blood. That was the case of the great revolution in France. Undoubtedly great horrors were committed during that great contest for constitutional freedom; but the blessings which had been achieved by that means were now beginning to be felt throughout the whole world. He was surprised to hear the absurd declamations and tirades which had been made that evening with regard to Spain. He thought that it was going a little too far to talk of the Queen of Spain being a tyrant. There was not the slightest foundation for such a charge. On the contrary, it was a matter of notoriety throughout Europe that during the short period in which she had reigned, her people had been enfranchised from the domination which had existed previous to her accession, and that her sympathies had been on the popular side. He wished, then, that the hon. Gentleman would study facts a little more attentively before he ventured to make such broad assertions. He confessed he felt a strong interest in the liberties of Portugal. He must admit that the inconvenient position in which the Government was placed, rendered them in a manner responsible for the conduct of the Portuguese Administration. He was of opinion that Her Majesty's Ministers had been vindicated most completely, not only by the speeches of the noble Lord the Member for the city of London, of the noble Lord the Secretary for Foreign Affairs, but by the speeches of the right hon. Baronet the Member for Tamworth, and other men of eminence in another place, whose testimony must be received at least as impartial. He, as an independent Member of that House, must say that he thought the Government had taken the wisest and best course. With respect to the Angola prisoners, he thought the British Government had imposed upon itself a duty to see that these poor men were restored to their home and to their friends; and he also hoped very speedily to see the prisoners in the Castle of St. Julian liberated. He hoped, too, the Government of this country would use its influence to bring about the recall of the Duke of Palmella, who was still in London.

MR. HORSMAN did not see the utility of the present Motion. It seemed to him that the last debate had settled the whole question. They were asked to agree to a Motion calling upon Ministers to interfere with Portugal, and enforce the constitutional rights of that country. This he thought wholly unnecessary, for, when a similar Motion was made by the hon. Member for Finsbury (Mr. Duncombe), Her Majesty's Ministers stated, that they accepted at once all the propositions in that Motion; that they acknowledged the obligations imposed on them by their interference, and were resolved to secure to the people of Portugal all the rights they were entitled to. Having this statement from the Ministers of the Crown, he could not, by acceding to the terms of this Motion, imply a distrust of those Ministers which he did not feel. He felt bound to state, that had this question come to a division when formerly before the House, he should have voted against interference with the affairs of Portugal; but, having stated that he would have so voted against such interference, it could not be expected that he would concur in a Motion calling upon the Government to continue that interference for the future. As far as his opinion went, he thought the doctrine of interference indefensible; and he held in his hand a copy of a despatch written by Lord Aberdeen in 1829, in a case precisely similar, when application was made by the Portuguese Government for the interference of this country in the affairs of Portugal. Lord Aberdeen said—

> "It is either for the purpose of resisting successful rebellion, or of deciding by force a doubtful succession, that Great Britain is now called upon to act. But it is impossible to imagine that any independent State could ever intend thus to commit the control and direction of its internal affairs into the hands of another Power; for, doubtless, if His Britannic Majesty be under the necessity of furnishing effectual succour in the event of any internal revolt or dissension in Portugal, it would become a duty, and indeed it would be essential, to take care that no such case should exist if it could be prevented. Hence a constant and minute interference in the affairs of Portugal would be indispensable; for His Majesty could never consent to hold his fleets and armies at the disposal of a King of Portugal without exercising those due precautions and that superintendence which would assure him that his forces would not be employed in averting the effects of misgovernment, folly, or caprice."

This passage embodied the opinion which he entertained. Although he did not condemn the conduct of the present Government, he could not sanction the principle of interference, and he could not, therefore, vote for the Motion of the hon. Member for Wycombe. He thought it better to trust to the discretion of the Government, and he did not desire to share their responsibility.

MR. EWART regarded the proceedings of Government, with reference to Portugal, as a violation of the great principle of non-interference. The hon. Gentleman who brought forward this Motion proposed a further interference, in the affairs of Portugal, by the Parliament. A violation of principle, whether in public or in private life, led inevitably to eventual evil; he looked, therefore, with apprehension to the final results which were likely to flow from these proceedings. But this was more than a mere Government interference. It was an interference by Parliament, for the Government interfered; and the Parliament pledged itself to watch the Government. This was a new and, he believed, unexampled system of interference. Many might be inclined to ask, in the words of the old proverb, *Quis custodiet ipses custodes?* He thought it best now to look at the question (to use a French phrase), as an "accomplished fact." Taking it as such, much more vigilance than was generally supposed would be required on our parts. Parliament would have to watch over Government; and our Government to watch the Government of Portugal. But could they trust the Government of Portugal? These foreign Governments did not understand constitutional obligations. When they had power, they would use it. Nothing could more strongly exemplify this tendency than the treatment of the prisoners taken to Angola, and the treatment of those who had dared to intercede for them. The captain who described their miserable state was cashiered for daring to speak the truth. The surgeon of the vessel who deposed to their insufficient food and space, was dismissed. As the first act of interference, therefore, he was anxious that the noble Lord at the head of the Government should answer the question which had been put to him by several hon. Members, as to the treatment of the unfortunate captives who had been sent to Angola. He trusted that the noble Lord would—if not now, at least upon an early occasion—give that assurance which would be most gratifying to the House and to the British public, namely, that those brave men who had been so disgracefully expatriated would be speedily restored to their homes and to their families.

Lord J. RUSSELL said: The Motion of the hon. Member for Wycombe is totally different from that of his hon. Friend the Member for Finsbury. The Motion of his hon. Friend the Member for Finsbury was to express the opinion of the House that it would be the duty of the British Government, on the restoration of tranquillity in Portugal, to use its best influence to secure to the people of Portugal the full enjoyment of their constitutional rights and privileges. But the Motion now before the House calls upon the Government to interfere, contemplating interference by force, with the Government of Portugal. This is totally different from the Motion of the hon. Member for Finsbury. The hon. Member who has just sat down has put a question respecting the recall of Count Bomfin and his companies from Angola. In answer to that question, I have to state that one of the four articles stipulated that all prisoners should be restored to liberty. So that one of the articles which has been adopted by the Government of Portugal, secures the return of these captives; and there shall not be wanting any recommendation to induce the Queen of Portugal to carry that article into effect; and there is no reason to think that the Queen will not be ready to act in conformity with the treaty, and with that recommendation, and that she does not mean to recall the prisoners. I will add one word more. I trust that, after the news we have lately received, importing the conclusion of the civil war in Portugal, that country will be restored to tranquillity. I trust that the Government of Portugal will see that the only hope of prosperity and peace in that country is in a strict observance of, and compliance with, constitutional rights and principles. The violent factions which have prevailed in that country—factions which are disposed to indulge in the excesses of passion and revenge—may, I think, be allayed in a constitutional manner; yet I cannot but feel that the only hope of the continuance of peace in that country is in the Government of Portugal observing the constitution with the utmost strictness; and if there be a party in that country which has a majority, whatever that party may be, or whoever may be at the head of that party, I trust it will exercise the power it may possess in a constitutional manner, without any attempt to restrict or embarrass the Crown. It is from this course of proceedings alone that I can hope for any security for peace and prosperity in that country. However necessary may have been the recent interference in the affairs of Portugal, I agree with the doctrine that a perpetual interference with a Foreign Government can secure neither the rights of the Crown nor those of the subjects; and I do hope that in future years we may see the accomplishment of our hopes without the necessity of any interference whatever.

Lord G. BENTINCK: I think the noble Lord did not give a very satisfactory answer respecting that subject, of which we were all most anxious to be informed, namely, the recall of Count Bomfin and the other prisoners from the penal settlements. Considering the enormous force of ships of war and steam-ships which we had in the Tagus and in the Douro; and the cost, inconveniences, and expenses to which we were subjected in order to keep the Queen of Portugal upon her Throne, I think the noble Lord might have exercised his influence to have despatched one of the five ships — the *Gladiator*, the *Phœnix*, the *Polyphemus*, the *Thetis*, and the *Terrible* —which were now lying there in order to convey Count Bomfin and his companions from exile. But it is quite evident that the Government in this country viewed in a much more severe light the conduct of the insurgents than that of the Royal party, and was more energetic to assist the latter, than to promote the just demands of the former. The hon. and gallant Officer who spoke in support of the Government (Sir De Lacy Evans) said the Government of this country was bound by treaty to interfere. I do not know how or by what rules the hon. and gallant Member for Westminster interprets this treaty; but this much I do know, that there is no treaty between this country and Portugal, ancient or modern, by which the Government of England is bound to interfere between the Queen of Portugal and her own subjects. I know of no treaty, Sir, which provides that England must interfere in the affairs of Portugal, in order to uphold despotism, and to keep down the liberties of her people. The noble Lord seems now to look with a lenient eye on the proceedings of the Queen of Portugal, as he did on a former occasion, when treating of the breach of her coronation oath, and the violation of the articles of the Charter. When treating of this subject on a previous debate, the noble Lord spoke of the Queen of Portugal, who had not acted according to ths advice of her constitutional advisers, but contrary to it— who had not reigned as the monarch of a free people, but who had set up a military despotism — the noble Lord spoke of the breach of the coronation oath by the Queen of Portugal, and the infraction of every article of the charter in detail, as a mere imprudence. ["No!"] Oh, yes! the noble Lord spoke of the breach of the coronation oath and of the setting up of a military despotism in Portugal as a mere imprudence on the part of the Queen.

LORD J. RUSSELL: The noble Lord is very incorrect in referring to former debates. I did not say on a former occasion that the violation of the coronation oath by the Queen of Portngal, or any other part of her conduct, was merely imprudent. The noble Lord's reference to my speech shows the wisdom of that rule of the House by which we are prevented from referring to former debates.

LORD G. BENTINCK: Sir, the noble Lord may shelter himself, if he pleases, behind the forms of this House; but the records out of this House will show who is right; and I think the noble Lord will have no occasion to be gratified at the appearance he will make when the proceedings of to-night are before the British public. Does the noble Lord mean to say that this Queen did not break her coronation oath? What answer does the noble Lord give to that? I say again, Sir, that there is no treaty in existence, and never was, by which we are bound to interpose between the Queen of Portugal and her people. The only obligation we are under to Portugal is to prevent the invasion of her territory by the troops of a foreign country: that, Sir, is the only treaty by which we are bound to Portugal. But we are bound to act, not for the Queen of Portugal, but for the Government of Portugal. We are not bound to assist the Queen when she exercises an unconstitutional power. It was laid down distinctly by Mr. Canning in 1827, when our aid was demanded by Portugal, that the Government of this country should not presume to interfere until both Chambers of the Cortes had confirmed by acclamation the proposal of the Portuguese Government that this country should be appealed to for assistance. By the 9th section of the 1st chapter of the Charter of Portugal, which relates to legislative power, it is distinctly stated that among the attributes of the Cortes should be to allow or to refuse the interference of Foreign Powers in the affairs of Portugal. Now, Sir, the Queen of Portugal had abolished the Cortes. She dismissed her Ministers and established a despotism, and therefore the Cortes had no voice whatever, nor had she a voice constitutionally to call upon this country to interfere. There is, in short, no pretence whatever, on the part of any Member of this House, to say that the Queen of England was called upon at the request of the Queen of Portugal to interpose in this civil war. As regards the question of foreign interference, I think my noble Friend behind me (Lord J. Manners) has disposed of it. He showed distinctly that it was not in the contemplation of Spain to interfere. No sooner had Mr. Bulwer intimated to the Spanish Government that Spain would be herself in a perilous position if she presumed to interfere without the consent of England, than M. Pacheco instantly declared in a most unequivocal form that he had not the slightest desire of interfering without the full consent of England. And as regards the French Government, the despatches published in the French newspapers distinctly prove that M. Guizot had no thought of interfering so long as England and Spain remained quiet. It was only when the noble Lord opposite had meddled in the affairs of Portugal that M. Guizot made up his mind that if England interfered, France should interfere too. [After alluding to the despatches, the noble Lord continued.] In truth, Sir, there was no need of our interference. So long as the Queen was triumphant, so long as she maintained a despotic rule over her own subjects by the aid of military force, we were quiescent; it was only when she was in danger, that we became energetic—in other words, it was only when her subjects were on the point of obtaining from Her Majesty their just rights and privileges, that we suddenly interposed, and took prisoners the whole army of the insurgents. Upon the Motion before the House, I feel great difficulty in deciding. I am against interference; but I say, truly, Sir, I feel that England is placed in a most disgraceful position by the conduct of the Government. I cannot see the end of our intermeddling in the concerns of Portugal. If we hold our hands now, what is to become of those unfortunate insurgents now in custody? How are those spirited men who were enlisted on the side of freedom, and in order to re-establish the independence of their country, to obtain their rights and privileges? It is mockery to suppose that, with a British force on the side of the Court, any national spirit can be evinced. There may be right upon one side, but there is overpowering might upon the other. I feel that I could not be a party to any resolution to the effect that this country is permanently to interfere in the affairs of Portugal. I would be prepared to interfere to the extent of requiring that the 5,000 or 6,000 men taken in arms should have a just share in the promotion of the army. I would be prepared to interfere so as to say that none of the men who have fought in the cause of liberty should suffer on account of the spirit they displayed on that occasion. But beyond this I cannot agree with the hon. and gallant Gentleman in the resolution he has proposed to-night. But at the same time I feel that the insurgent Portuguese, who, it is admitted, constitute five-sixths of the entire nation, ought to be put in a fair and equal position by our interference. It is not an easy thing for a country, whatever may be their feelings against the oppressions of their Government, to rise against it when that Government is in possession of the moral power arising from its position, as well as of the army. But when the people had braved these risks, we have stepped in—we have taken their entire army—we have taken their ships—though I doubt whether we have done it altogether legally—without any proclamation of war—without any decision taken with the advice of the Council—and, therefore, I apprehend that is not altogether a legal war; and I think it may be a great question if the parties were to seek redress in our courts if they would not be entitled to redress for the ships that were taken from Das Antas and Sa da Bandeira; and more than that, it may be a question whether they are not legally entitled to redress from the officer in command of the squadron, for having illegally detained them. But while I feel all these difficulties — while I condemn the interference, and, more than all, while I condemn the interference as it was exercised in behalf of a Queen who had forfeited all title to our interposition by her previous government, still I cannot but ask the hon. and gallant Gentleman to withdraw the resolution, and not to put the House in the false position of appearing to sanction that which I doubt much if a majority of this House, however sensibly they may be disposed to support the Government, could conscientiously approve.

MR. OSBORNE said, on the understanding that the noble Lord would insist upon the recall of Count Bomfin, he would not trouble the House to divide upon the question.

Motion withdrawn.

THE RAJAH OF SATTARA.

On the Order of the Day being read for going into Committee of Supply,

MR. HUME said: Sir, I can assure the House that I feel great reluctance at the present time in having to bring forward this case; and no one is more anxious to expedite public business that should be gone through than myself; but, Sir, situated as I am, and looking back to the course that has been taken upon this case—having unfortunately laboured for a long time to obtain justice for an unfortunate individual—I cannot consider that I shall have done my duty unless I again place before the House that appeal, to which I think the British House of Commons ought to listen. Sir, I do so more particularly, because on a late occasion when I ventured to introduce the subject, the right hon. Baronet (Sir J. C. Hobhouse) took upon himself to declare that all my statements were fictions—that I had obtained information in a manner little creditable to any man in this or any other situation —that, in fact, I had placed myself a culprit at the bar, instead of venturing to address the House where I do. It is not for me to avail myself on this occasion, which I might do, of any single act of recrimination; it has not been my rule to take that course; I only lament that when the merits of a question are to be agitated, any individual, whatever his situation in this House, should resort to a personal attack, instead of meeting the merits of the question. I shall, therefore, pass over all that was said on that occasion by the right hon. Gentleman, however personal may have been his attack, and however other Gentlemen may think I ought to resent it. I have been too long in this House to pay much attention to such language; and I am one who certainly has had great grounds on many occasions to take offence, if I had not been fully aware of the folly of such a course. A friend of mine only yesterday said to me, "Consider yourself in the situation of appearing before a judge, and that your client is perfectly innocent, but that upon you the advocate—the party opposing—has heaped all his abuse, not having one word to say upon the case which is the subject of consideration." I trust I may consider that to be the case here; and I therefore think —passing over the whole of that which passed between the right hon. Gentleman and myself—I am now entitled to ask the House to allow me to state the case; and I shall do it as shortly as possible; but it is not possible to be very short, because I have to meet by facts and by public documents what has been stated by the right hon. Gentleman to be a series of fictions, and which he says he will be prepared to prove at the proper time. I am sorry it is now so late; still, I hope there will be sufficient time to enable the right hon. Gentleman to make any observations he may have to make. Sir, in the first place, an appeal was made to me by the right hon. Gentleman, whether I ought to have acked the character of an individual as I did, by stating that his conduct was unworthy any English officer. But I must beg to appeal to him and to the House—he having thought it of importance that the character of a public officer should be defended in the manner in which he attempted to do so—whether I ought not to stand excused for attempting to defend an absent individual who has been degraded—a Prince in station, a Sovereign in his connexion with this country—and I hope I may be allowed to show, who is the person for whom I am about to ask the interference of the House; and I will do that by quoting the authorities, and not venturing to state one word from myself. Sir, on that ground I must say, that the object of my advocacy is an independent Sovereign, who in 1819 was placed upon the throne after the Mahratta war. The right hon. Gentleman will find that the Treaty of the 25th September, 1819 assured to him an independent sovereignty, and that he and his descendants should for ever enjoy a large revenue with that sovereignty. The treaty states—

> "Whereas the British Government having determined, in consideration of the antiquity of the House of His Highness the Rajah of Sattara, to invest him with a sovereignty sufficient for the maintenance of his family in comfort and dignity; the following Articles have been agreed to between the said Government and His Highness."

Then it proceeds to state that he shall enjoy the districts specified in the annexed schedule, subject undoubtedly to certain conditions, one of which has been much commented on:—

> "The Rajah, for himself and for his heirs and successors, engages to forbear from all intercourse with foreign Powers, and with all Sidars, Jaghidars, Chiefs, and Ministers, and all persons of whatever description who are not by the above Articles rendered subject to His Highness's authority."

Now, Sir, this individual—a lineal descendant from Sevagee, the first of the Mahrattas—was so stated to be entitled by the antiquity of his family to the attention and friendship of the British Government. The British Government by that treaty bound themselves to secure to him the throne, provided he did not violate the treaty. Now, my charge against the East India Company and against the Board of Control is, that they have removed him from his sovereignty, from his property, from his State, and made him an exile in a foreign country in Benares, without any ground whatever, and without any trial; they have alleged reasons, but without any just ground; and that he has never had what he has asked to have—a fair trial. He has never had the facts of his case brought before any tribunal whatever, but has been thus unjustly dethroned. Now, I wish to show that there are circumstances very much in his favour, with which this House ought to deal. If it had been an individual whose conduct had been open to censure from any portion of the Government, I should have said, there might have been some ground for treating with more severity than the light grounds of suspicion that are brought against him, warrant. But instead of this individual being liable to blame, he was for a period of twenty-one years treated as an independent Prince by the British Government. He is the only Indian Chief who has ever, during a period of twenty years, received the thanks and approbation of every Government up to the period almost of his dethronement. I therefore have to ask, that the House, in their indulgence, will allow me to state what was the character of this man who has been hurled from his throne, and turned almost a beggar into a foreign country; and I shall state this from the public documents which are contained in the blue book. I have first the testimony of four British officers resident at his court, of his having conducted himself in a manner highly honourable to himself, and creditable and useful to his people; and that against him no ground of complaint could possibly exist. I will not read the certificate of these officers in the year 1821; but I will state what the Court of Directors did. Mr. Elphinstone, on placing him on the throne, states with regard to his conduct, that from the period of his having been rescued from the authority of the Peishwa, "he had behaved himself extremely well;" and in 1829 we find the Court of Directors, in a letter to the Bombay Government, expressing themselves to this effect :—

> "We are impressed with a highly favourable opinion of the administration of the Rajah of Sattara. He appears to be remarkable among the Princes of India for his mildness, frugality, and attention to business; to be sensible of what he owes to the British Government; and of the necessity of maintaining a good understanding with it. Nor does he, in his intercourse with your officers, furnish any ground of complaint, except an occasional manifestation of that jealousy of our controlling powers, which it can hardly be expected that any native princes, however well disposed to us, should entirely suppress."

Now, up to 1829, therefore, a period of ten years, here is a character extremely favourable. In 1831, again, the Court of Directors say—

> "The information which your records supply, as to the proceedings of the Rajah of Sattara continues to confirm the highly favourable opinion we had formed of his disposition, and of his capacity for government."

Now, did anything happen to alter those opinions ? I find the Court of Directors, in the year 1834, in answer to Colonel Robertson, then Resident at Sattara, who had written a despatch highly laudatory of the internal management of the country—and this Prince, I will say, is almost the only native Prince in India who has paid attention to the internal comfort of his people; I am anxious you should be satisfied of that not only from my statement, but from the documents I hold in my hand —in 1834, the Court of Directors, in speaking of the Rajah of Sattara, say —

> "He appears to be most attentive to business, superintending every department of his Government without the aid of a Minister. He confines his expenses, and those of all under him, within fixed limits. He pays all his establishment with perfect regularity."

I will venture to say, there is no other native Prince in India to whom the Court of Directors of the East India Company could give such a character :—

> "He pays all his establishment with perfect regularity; but when in any year his resources are inadequate to his fixed expenses, a rateable reduction is made from all allowances not excepting his own."

This is what is said by the Court of Directors. They go on to say—

> "We should have regretted if a Prince, whose administration is a model to all native rulers, had been guilty of any infringement of the proprietary rights of a large class of his subjects."

There were some disputes respecting land with the Government of Bombay, which, I ought to mention, was the ground of the first displeasure on the part of the Government against him; and I have a letter of the Court of Directors, after examining the whole of that question, placing the Rajah in the right, and the Government in the wrong. Now, the Court of Directors say—

> "We should have regretted, if a Prince, whose administration is a model to all native rulers, had been guilty of any infringement of the proprietary rights of a large class of his subjects. By his frugal and careful management, the Rajah has kept free from debt; and as he does not accumulate, he is enabled to expend large sums in liberality, and in the improvement of his country."

Now, let those who have joined in the degradation of this man, listen to what follows in the Court of Directors' letter :—

"He also maintains a well-regulated school at Sattara, in which he has teachers of great respectability, both as to character and attainments. This seminary was closely examined in all its details, last October, by a very competent judge, the Rev. Mr. Stevenson of the Scottish Mission, who, I am happy to say, expressed the highest satisfaction with it, and did not scruple to say, he considered it a far more useful establishment than the college at Poona. In this seminary his Highness teaches Mahratta, Sanscrit, and the sciences usually taught in that tongue; Persian and English, as well as arithmetic, surveying, and other kinds of knowledge useful in the transaction of public business. In this school his Highness has a number of youths of his own caste, and relations of his (whose forefathers despised all such tuition), training up for his public service; and this is one of the causes why the Brahmins are hostile to him. It appears to us," the Court continues, "just and right that you should from time to time signify to the Rajah, not only your own, but our high satisfaction at his public conduct, and the excellence of his administration."

Now, I beg the attention of an hon. Director, the late Chairman of the East India Company who took, I must be allowed to say, a most ungenerous and unfair view on a former occasion. I hope his conscience will have upbraided him a little by this time, and that he may now listen to truth and reason, and not allow himself to be carried away as he was at that time. On the 22nd of July, 1835, the Court of Directors came to this resolution:—

"*Resolved*—That having had reference to the 'etter from Bombay in the political department, dated 21st of January last, in respect to the description of a testimonial that would be most acceptable to the Rajah of Sattara, as a mark of the Court's sense of his conduct, the Chairman and Deputy Chairman be requested to purchase a sword suitable to the occasion, and that a communication be made to the Bombay Government on the subject, at the period of sending out the sword, accompanied by a letter from the Court to be presented to the Rajah."

Now it must be borne in mind, that this resolution was come to in consequence of the Bombay Government writing home to the Court, and praising the conduct of the Rajah, suggesting that the Court ought to send him some substantial mark of their approbation—

"That, in framing such letter, it be declared, that this mark of distinction is founded, not solely on the public spirit evinced by the Rajah, in the construction of roads and the execution of other public works, as suggested by the Government of Bombay, but on the general and distinguished merits of his Highness's administration, which so justly entitle him to applause, as well as on the liberality which he has displayed in disbursing his private funds for public purposes."

My advocacy, therefore, is for a man bearing this character, who has been hurled from his throne, as I shall show, without any just grounds. What was the result? The Court of Directors, unanimously sanctioned by the Board of Control of the day, on the 29th of December, 1835, addressed the following letter to the Rajah of Sattara, sending out the sword as an additional mark of their approbation:—

"Your Highness—We have been highly gratified by the information from time to time transmitted to us by our Government, on the subject of your Highness's exemplary fulfilment of the duties of that elevated situation in which it has pleased Providence to place you. A course of conduct so suitable to your Highness's exalted station, and so well calculated to promote the prosperity of your dominions and the happiness of your people, as that which you have wisely and uniformly pursued, while it reflects the highest honour on your own character, has imparted to our minds the feelings of unqualified satisfaction and pleasure. The liberality, also, which you have displayed in executing at your own cost various public works of great utility, and which has so greatly raised your reputation in the eyes of the princes and people of India, gives you an additional claim to our approbation, respect, and applause. Impressed with these sentiments, the Court of Directors have unanimously resolved to transmit to you a sword, which will be presented to you through the Government of Bombay, and which, we trust, you will receive with satisfaction, as a token of their high esteem and regard.—With sincere wishes for your health and prosperity, we subscribe ourselves, in the name of the Court, your Highness's most faithful friends,

"W. S. CLARKE, Chairman.
"J. R. CORNAC, Deputy."

This was on the 29th December, 1835; and such a testimony of high character does not appear in the annals or records of the East India Company, in favour of any native or European. I must also notice a letter written by Captain Grant Duff, the Rajah's first adviser, dated 31st October 1842:—

"He (the Rajah) never could be guilty of what has been alleged against him. I believe he never for one moment entertained inimical intentions towards the British Government. The whole story of intriguing with Goa, and of corrupting the sepoys, I also believe the Rajah had nothing to do with; and I think his deposal was impolitic and unjust. I have always said, that judging from all I ever knew of the Rajah, I do not believe him guilty of the silly crimes with which he has been charged, and for which, he has in my humble judgment, been unjustly set aside."

Now, to the extent we have arrived, I think I may say with confidence, that there is nothing to blame, but everything to praise. I observed that the right hon. Gentleman took a note upon my noticing the source of quarrel between the Bombay Government and the Rajah, which was respecting two jaghires. Jaghires are estates which belonged, it was supposed, to the Rajah, upon the understanding that when the parties died without heirs, they would return to the Rajah, and be again disposable, as is the custom of the country. The Bombay Government objected to that, and insisted that they should have the control, and then the unfortunate difference arose. After continuing a considerable time in dispute, the Court of Directors addressed this letter to the Bombay Government:—

> "We are of opinion that great inconvenience would arise from our officially recognising references from native princes to a testimony or opinion in Europe on the subject of public transactions between those princes and our Government. We, therefore, transmit the letters to you for the purpose of being returned to his Highness, whom you will inform, in becoming terms, that he is under no restriction in respect to private correspondence with the gentlemen in question, although he may confidently rely on our always showing the utmost consideration for his rights and interests without its being at all necessary for him to solicit the intervention and good offices of others."

There is also a letter from Colonel Bagnold, to the same purport, with regard to the native chiefs; so that the trifling ground which the Government have assumed for interfering with him vanishes immediately. However, we shall see what are the grounds of interference with the Rajah. He sustained the character I have described for twenty-one years. First, I have read the character given by the Court for twenty years successively—I have read the character given by Captain Grant Duff, the first President—I have by me the testimony of the Court of Directors to his conduct—I have the resolution which I have read; all approving entirely of the Rajah's conduct up to that unfortunate period which I now approach. Sir, it may be curious for the House to know what were the charges brought against the Rajah, as laid before the House:—

> "That your Highness attempted to seduce certain native officers of the 23rd Regiment, and, through them, the sepoys, from their allegiance to the British Government, in which attempt your Minister, Govind Rao, was also engaged."

The second charge, which I show to be utterly unfounded, is—

> "That his Highness the Rajah of Sattara, in breach of the treaty, had entered into communication with the Viceroy of Goa, for purposes hostile to the British Government."

That is the second. The third is—

> "That his Highness the Rajah of Sattara, in breach of the treaty, had entered into communication with Moodhojee Bhonsla, otherwise called Appa Sahib, ex-Rajah of Nagpore, now resident at Jondpoor, for purposes hostile to the British Government."

Now, if all this had been true, instead of being really more laughable than otherwise, still the claim that I make to the House ought not to have been denied. There ought to have been an inquiry; the Rajah ought to have been placed in that position which his petition to the House, as I shall presently show, requests; for he says, that if he had been the meanest individual in this country, he would have been entitled at any rate to be heard. This is the petition which was presented to the House in 1842, giving a complete answer to all the charges, and praying that he might be heard against each of them, and concluding in these words:—

> "That your petitioner respectfully solicits from your honourable House a consideration of his case, and of the treatment he has received, as well as the high character he has invariably maintained amongst his people and the princes of India; while he implores from your honourable House that justice which, had his lot been that of a peasant, it would have been his right to claim from the laws of the British realm. He cannot forget that it is as a dethroned and exiled Prince that he appeals to your honourable House. He trusts that the vast power which has been placed by Divine Providence in the hands of the Government of Great Britain will not be exercised to his continued wrong; and he hopes the injustice and degradation which he has suffered in innocence will not be permitted to appear on the page of history to tarnish the glory of the British name, and the conduct and character of that Government in India towards a Sovereign, once its honoured ally, now its helpless prisoner."

These, Sir, are the concluding words of the petition. I attempted before, in vain, to get the House to entertain it. I believe they were mistaken entirely; they were not fully informed on the subject, otherwise, I am quite satisfied, they would have listened to it. However, the question which I am now anxious to put to the House is, whether, however late, justice is not to be done to the Rajah by giving him a trial? The right hon. Gentleman has stated—and stated very correctly, as has been stated elsewhere—that the question, as regards the Rajah, has been so often presented to the House, that they are unwilling to re-open the case. Now, the right hon. Gentleman will give me leave to say, that that ought to be no bar to justice. He was the first President of the Board of Control who gave his authority to the dethronement of this individual. He gave that authority without any inquiry whatever—without the individual having been brought before his judges, but being subject to a secret inquiry. Now, Sir, in relation to one of the charges — the second — there is nothing like taking the right hon. Gentleman upon his own evidence. On a former occasion, on the 24th of June, when the question was before the House, when the hon. Member for Shrewsbury appealed to the right hon. Baronet, and said he was astonished that he could have given credence to any such ridiculous charge, as a combination or an attempt to join the Portuguese, who never had more than 1,500 or 2,000 men in India; that by joining with the Portuguese Governor he could by any means attempt even to turn the English out of India, the right hon. Baronet himself said, as reported, and, as I recollect, correctly—

> "The hon. Member for Shrewsbury has accused me of dethroning the Rajah of Sattara. That is not the fact. The hon. Member has also accused me of believing that the Rajah of Sattara was about to bring 30,000 Portuguese from Goa to invade British India. Where the hon. Member learned that, I know not. I have seen some trumpery statement in a newspaper, that I have said something to that effect; but the truth is, there is not a word of truth in it. As President of the Board of Control, I knew that those charges were brought against the Rajah of Sattara; but to say that I believed them, was what the hon. Gentleman had not the slightest foundation for saying."

The right hon. Gentleman said that; and yet the Goa conspiracy was one of the charges upon which the Rajah was dethroned. Well, thinking it very singular that no notice had been taken that that had been one ground taken by the East India Company and the British Government here—that intrigues had gone on with Goa—I ask, has the British Government ever applied to Goa, as they did to all the other stations in India, as I shall show? Did they ever apply to the Governor of Goa, to ascertain from him whether there was any such communication? I hold in my hand a letter in answer to an application made to that officer, who is now, I believe, in Portugal, in which he says—

> "I consider it necessary, for the advancement of justice, and for my own honour, to declare, that during the whole time I governed the Portuguese possessions in India, I never had any correspondence on political subjects with the said Rajah of Sattara, and whatever documents have appeared on that subject are false."

This is signed "Don Manoel de Portugal." I recollect, on a former occasion, the right hon. Gentleman said, "If he had not been guilty, would he have confessed?" But I think there is no necessity for that, after the manner in which it is stated by the right hon. Gentleman to be a trumpery case. Sir, I think it necessary to put the House in possession of what may be done in India, and how easy it is, when a Government determine, to ruin any native, for them to obtain evidence of any kind, trumped up to make a case. I will allow the right hon. Gentleman the Member for Edinburgh to be a witness. In writing an account of the life of Warren Hastings, he inserts this passage:—

> "They (the natives) considered him a fallen man, and they acted after the kind some of our readers may have seen in India, a crowd of crows pecking a sick vulture to death. No bad type of what happens in that country, as often as fortune deserts one who had been great and dreaded." [This is alluding to an Englishman, Warren Hastings.] "In an instant all the sycophants who had lately been ready to lie for him, to forge for him, to pander for him, to poison for him, hasten to purchase the favour of his victorious enemies by accusing him to an Indian Government."

I beg the attention of the House to this, because I accuse the individuals constituting the Bombay Government of influencing the whole case, and causing the whole of this injustice. Mr. Macaulay says—

> "An Indian Government has only to let it be understood that it wishes a particular man to be ruined, and in twenty-four hours it will be furnished with grave charges, supported by depositions so full and circumstantial, that any person unaccustomed to Asiatic mendacity, would regard them as decisive. It is well if the signature of the destined victim is not counterfeited at the foot of some illegal compact, and if some illegal paper is not slipped into a hiding-place in the house."

Now, Sir, here the right hon. Gentleman, in writing of the conduct of Warren Hastings, points this out to you; and it ought to be a guard to those gentlemen who have to carry on or conduct business in India, how cautious they ought to be of receiving any kind of stories such as are trumped up against this unfortunate man. At any rate, I hope the House will let it remain in its recollection, that what could be done at that time upon the authority of Mr. Macaulay, may be done by any Indian Government. Let them bear in mind the power which every Government has under such circumstances, and then judge when they hear the trumpery charges brought against the Rajah. Sir, as regards the first charge, that of attempting to interfere with the natives of the 23rd Regiment, then stationed at Sattara, the evidence in the blue book is, in the first place, so contradictory, that it is impossible for any honest man to sit down and read and weigh the evidence, without arriving at a perfect conviction that the whole is false. An able and intelligent man, who was living in the Company's service (Mr. Sullivan) for thirty years, has, in one of the clearest and ablest speeches that I think ever was delivered in any place, proved to the satisfaction of every unbiassed man the utter falsity of all those charges. Sir, in addition to that proof—I do not pretend to enter into that proof, because, whether it is good or bad, my claim is merely for a trial and inquiry—I have a letter in my hand from an officer who commanded that very regiment at the time in Sattara, and he states that the whole affair was a bit of dirty Mahratta intrigue, which would have been seen through at once. This is the testimony of General Bagnold, who commanded the 23rd Regiment, who at that time knew what was the prevalent opinion on the subject; and I have plenty of other corroborative evidence; but I consider him from his station to be the best, and therefore I shall not trouble the House with any other. General Bagnold says—

> "The whole affair was a bit of dirty Mahratta intrigue, which would be seen through at once, had a man of common sense (as far as regards natives) been there as resident. Sending Colonel Ovans to Sattara as Resident after he had sat as judge upon, and condemned the Rajah's conduct, was as great an act of cruelty, as the whole was unjust."

I shall not mention the name of Colonel Ovans, until I have finished my observations upon the Rajah. Sir, I wish the House to be put in possession of the course which the Government took for the purpose of obtaining information as regards alleged intrigues with other Courts, which is the cause of his removal. The 5th Article of the Treaty forbade that. He was accused of intriguing with the Rajah of Nagpore. On the 13th September, 1836, the Resident at Sattara—for the charge of conspiracy began on the very day the sword arrived from England; it was despatched in December, 1835, and I believe as early as May, 1836, this charge of conspiracy was made against the Rajah, and the Government directed the Resident at Sattara, to make strict inquiry as to how far it was true—on the 13th September Colonel Lodwick, then the Resident, writes to Sir Robert Grant, the Governor of Bombay, to this effect:—

> "With respect to the alleged conspiracy of native States, I can discover no proof of it; and on full consideration I am disposed to think the Rajah has been imposed upon by artful impostors, and interested advisers."

Now, here is the Resident, on the 13th September, stating this fact to the Government. The Bombay Government, on the 15th September, write to the Court of Directors to this effect:—

> "We deeply regret to have to report to your honourable Committee, that we have received intelligence of a conspiracy existing at Sattara, and, as is alleged, at several other native Courts in India, to seduce our native troops from their allegiance, with the ultimate design, by a combined effort, to subvert the British Empire in India."

This the Government of Bombay send home to England, two days after they had been informed by the Resident that no such proof could be obtained. [Sir J. C. HOBHOUSE: That is a mistake.] It is not a mistake. It is like all other mistakes; for the right hon. Gentleman said he would show the whole to be a fiction; but I rest altogether on the blue books. Now, there is a short letter from the Government, dated the 7th December, 1839, from Fort St. George, to this effect:—

> "In consequence of a communication from the Bombay Government, we requested to be informed by the Commissioners, whether the report of a confederacy against the British Government, of which the ex-Rajah of Sattara was a member, had been confirmed by their inquiries at Kurnool."

This is dated December, 1839. Those who are acquainted with the history of India, will know that the Rajah of Kurnool, in the centre of the Peninsula, had collected together some hundred pieces of cannon and supplies of military stores, with some intention or other. It has never been known with what object, or how, they were collected; but the Commissioners who were sent there after the fort was taken, were directed to inquire into the matter, having the whole of the Rajah's papers in their possession, having every document belonging to the Rajah, and consequently being able to make themselves masters either by witnesses or documents of every thing that happened. Now, these Commissioners, in reply, state that they

> —"have not discovered any paper in which the ex-Rajah was in any way mentioned; nor had anything transpired in the course of their inquiries which indicated that there had been any communication between the ex-Rajah and Goolam Russool Khan, as parties to a confederacy against the British Government."

Now, these Commissioners, who were in

possession of the Rajah's books and correspondence, found neither among his papers, nor from any witnesses, any evidence whatever of the Rajah having any treasonable intercourse with this prince. Now, Mr. Clerk, the Secretary at Fort St. George, says—

> "I am directed by the right hon. the Governor in Council to transmit to you the accompanying copy of a letter from the Secretary in attendance upon the hon. the Governor of Bombay, dated the 13th inst., and to request that you will submit the information therein required, as to whether the report of a confederacy against the British Government, of which the ex-Rajah of Sattara was a Member, has been confirmed by your inquiries at Kurnool."

I have read the answer. After they had dethroned the man, they sent an order to obtain information in connexion with a man who had no doubt been in intrigue with somebody or other. Now, Sir, the following is from another of the Commissioners, dated 30th November, 1839:—

> "Sir, we do ourselves the honour to acknowledge the receipt of a letter in the Secret Department (No. 503) under date the 25th inst.; and to state in reply, that no paper has been discovered here in which the ex-Rajah is in any way mentioned; nor has anything transpired during the course of our inquiries which can lead to a suspicion that there has been any communication between the ex-Rajah and the ex-Nawab as parties to a confederacy against the British Government."

So much for that. Here is another—and it was expected, that if there was a conspiracy with any one, it must be with the Nizam of Hyderabad. Application is made to the same man; and Mr. Frazer, the Resident, in answer to a similar letter, replies —

> "On the receipt of your despatch of the 13th ultimo, giving cover to the copy of a letter from the Resident at Sattara, with its several enclosures, I hastened to address a communication to His Highness the Nizam's Minister, pointing out to him the importance which Government attached to the discovery of the ex-Rajah of Sattara's correspondence with Hyderabad, and urging on him, with a view to assist Government in their researches, to adopt immediate measures for seizing Jazee Karamut Oollah's papers wherever they might be found"

Now this is after the man is dethroned! They are trying to fish and obtain evidence, and what is the answer?—

> "On a careful examination of the contents of the bundle, in the presence of myself and three other individuals, nothing was discovered tending in any way to confirm the belief that Kuramutollah had been carrying on any correspondence with the ex-Rajah of Sattara, or that he had been engaged in any way in treasonable designs against the British Government."

Here, therefore, from another quarter, comes a complete denial of anything of the kind having taken place. In short, from every Court and every place in India where we have Residents, and where they expected to obtain evidence, they made application, and they obtained similar answers, denying that any such thing existed. Sir, the whole of this correspondence was forwarded to the Governor General of India, and the House shall hear what opinion was given by him upon this correspondence being forwarded to him. This is "Extract, Bengal Secret Consultation, 31st July, 1839;" and the letter which was forwarded to Bombay, is dated—

> "Simla, 15th July, 1839.
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> "Sir—I have the honour to acknowledge the receipt of your letter dated the 24th ultimo, with enclosures, and am desired to state that the Governor General has studied with much interest the Minutes received by the Honourable the Governor and by the Members of Council of Bombay, and that his Lordship assents to the general amnesty which it is proposed to be extended to the Rajah of Sattara, and to the conditions under which it is suggested that this amnesty should be granted; and that his Lordship also entirely approves of the intention of the Hon. Sir James R. Carnac's himself proceeding to Sattara, for the purpose of endeavouring to carry his views into effect, and again to place our relations with the Rajah on a friendly footing."

When they found they had failed in everything, they proposed to grant him an amnesty; and the House shall hear what are the conditions and what are the instructions Lord Auckland sends:—

> "His Lordship feels it unnecessary to enter into any review of this case; he has already avowed his opinion that, whether led by malignity or folly, or a weak subserviency to bad advisers, the Rajah has committed acts which might justly forfeit to him all the favour of the British Government, and justify a sentence of severe retribution; he sees all the embarrassment which might arise out of a formal trial; he feels the strong objections which would be urged in quarters of the highest authority against a summary act of extreme severity."

He sees all the embarrassment which might arise out a formal trial; but he is aware of the strong objections that would be urged in quarters of the highest authority against a summary act of extreme severity. That is, deprivation without a trial; and—

> "He is compelled to acknowledge the expediency of the milder course proposed, and would indulge the hope that the exercise of clemency may give rise, if not to better feelings, at least to more guarded conduct."

Now, mark, this is after they have failed in producing any proof whatever of the Rajah's guilt. This is a mere excuse.

"With regard to the precise course of proceeding which is to be pursued,"—

(I beg the attention of the House to this, because I believe that upon this rests a great deal of what his Lordship says)

—"his Lordship concurs with the Honourable the Governor in Council of Bombay in opinion, that the measure of amnesty being agreed upon, it should not be accompanied with any demands which might justly be regarded as a punishment; but there may be, as suggested by Mr. Anderson, warning for the future. Principles may be laid down for the more strict observance of the treaty; and, above all things, effectual protection must be secured to those who in the course of the late inquiry may, by having afforded information, be assumed to have given offence to the Rajah. With this expression of his views, his Lordship cordially assents to the propositions lay down by the Honourable the Governor of Bombay, in his Minute of June 20th, and adopted by his Colleagues. He would only suggest that great care be taken in framing the letter to the Rajah, so gradually and yet decidedly to express the views held by Government on his case, as that, if possible, discussion shall not be provoked or admitted upon his own guilt or innocence; and it may be doubted whether it has not been proposed too distinctly to assert the proof of personal criminality, and whether this assertion may not appear in too great a degree to be inconsistent with the leniency which follows."

He here, therefore, suggests, that in the offer of a complete amnesty, no question upon the guilt of the party should be made. Now, let me show the House how completely at variance with the fact that declaration of the Governor General is. I hold in my hand the amnesty; and if it is possible for any man to take up a written document, and say that upon the face of that document the innocence of the party assailed appears, I say the examination of the paper which I am about to read, proves beyond all doubt that the Rajah, upon having a paper submitted to him, in which he is called upon to acknowledge his guilt, spurns it; and he spurns it with indignation. The right hon. Gentleman shall hear the language. This is from Sir James Carnac himself:—

"On the same day his Highness came to the Residency; and a meeting took place between him and Sir James Carnac, in the presence of Mr. Anderson, Colonel Ovans, and Mr. Willoughby; at which, after stating his thorough convictions of his Highness's guilt, and reminding him of his dependent condition, Sir James Carnac informed him, that on certain conditions the British Government were willing to pardon what had occurred. During this address (as Sir James Carnac himself relates the particulars of this interview), the Rajah evinced a considerable degree of impatience, and frequently interrupted me by abrupt declarations that he had committed no breach of alliance. When I had concluded, he stated that he regarded me as his friend and well-wisher—asserted that the accusations against him originated in the intrigues of his enemies—that as long as the British Government entertained the idea that he had cherished hostile designs, he would agree to nothing, but this idea being removed, he would agree to anything I proposed—that he would consent to anything except to abandon his religion, or to acknowledge that he had been our enemy—that he would receive any conditions, reply to them, and vindicate his conduct generally. Finally, he observed, that if I had not leisure to attend to him personally, he could communicate what he had to say through the Resident."

Now, the right hon. Gentleman has stated that the terms proposed to the Rajah were not disgraceful. I can only say that Mr. Tucker and several of the Directors who had the question before them, have so declared, as I will show in a very few words, their opinion. Sir James Carnac goes on to state—

"The ex-Rajah at once refused to sign the paper shown to him, and asked what violation of the treaty he had been guilty of. The three principal charges were then enumerated to him."

Those are the three charges which I have read, paltry and trifling as they are.

"And on his being asked, with reference to the alleged communications with the ex-Rajah of Nagpore, whether he could deny that he had received letters from him, he forcibly answered, that 'a letter from a person does not establish guilt against the party to whom it is addressed. Where are my answers? There is Mr. Anderson: he may receive a letter; but this would be no proof that he answered it, or that he committed any fault in receiving it.'"

Now just conceive a man so situated. They charged him with guilt, because it was alleged he had received certain letters from individuals; and he makes a challenge for the production of a single letter from him in answer to any letter from any person. The further statement is a detail of Colonel Ovans' attending with a paper of conditions. "In the afternoon of the same day"—(I am sorry to weary the House, but these are details so full of information that it is necessary they should be stated):—

"In the afternoon of the same day, his Highness again saw the Governor, and repeated his refusal to sign the paper. Two more interviews took place between the ex-Rajah and Colonel Ovans, and one between his Highness and Sir James Carnac. In the first meeting with Colonel Ovans, his Highness begged to be allowed to show to him, which he declared he could do if he were protected from native interference, that the witnesses against him were altogether unworthy of credit. He was, however, cut short by the Resident, who observed, that the main point which he had now to determine upon, was, whether he would accept the conditions of the amnesty offered by the Governor or not. At the meeting with Sir James Carnac, the ex-Rajah delivered to him certain papers, some of which have been already alluded to, and which showed that forgeries of his Highness's name and seal had been carried on for some time at the instigation of one of his chief accusers. Every effort to obtain justice was, however, in vain; he was told that the documents he had given to the Governor did not bear upon the question at issue, and that if he did not sign the conditions he would be sent to Benares, and his throne and kingdom given to his brother. True to himself, however, the ex-Rajah still refused to preserve his kingdom by a false acknowledgment of guilt, choosing rather to pass the remainder of his days in an honourable prison, than to accept a throne purchased by the loss of reputation."

The Rajah, knowing the power of the Company to ruin him with a single breath—being told that if he did not sign a paper acknowledging his guilt, he would be removed to Benares, and removed from his throne—being conscious of his innocence, refused to sign the paper, and was removed in a manner which is disgraceful to a civilized country. But as the right hon. Gentleman doubts whether this is an improper proposition, let me read what Mr. Tucker, the present Chairman of the East India Company, says in his dissent of the 1st April 1840, from the decision of his brother Directors, confirming the deposition of the ex-Rajah :—

> "Guilt would have found it easy to accept the conditions proposed, in order to escape from the threatened penalty. The consciousness of rectitude must be strong, when it impels a man to make a great sacrifice to a sense of honour, however mistaken; and I must own that I cannot regard otherwise than with feelings of deep commiseration that Hindoo, who would resolve to sacrifice a principality, to abandon his treasures, to relinquish his home, and remove his family to a distant part of the country, rather than make a slight concession which he felt must compromise his character."

Those are the words of Mr. Tucker, the present Chairman, who only two months ago stated that he had not altered his opinion, but that he could not vote against his colleagues, who were against re-opening the case. Now, Sir, let me open to the House a scene of fraud and treachery on the part of the Bombay Government. (I beg the hon. Gentleman to take a note of this.) I say fraud and treachery on the part of the Bombay Government, and I will prove it. General Lodwick being Resident there, a paper of hints was sent to him; and General Lodwick, expressing his dissent from the treatment of the Rajah reminds them—

> "A paper of hints was sent to me," [this is his letter to the Court of Directors] "suggesting that the native officers should ask to see the Rajah, tell him they had heard their part of the plot had been discovered, beg that he would protect them, either by advancing money to escape with, or a pass under his hand and seal to insure their service; and if he gave them money, the evidence would be strong."

Trying to entrap the unfortunate man; wishing General Lodwick, the then Resident, to lend himself to this base proceeding. This letter is addressed to the Court of Directors on the 9th of October 1840, and is published in the Parliamentary papers. He states, in vindication of the opinion he formed, that at first he had been himself deceived while at Sattara, and had formed an unfavourable opinion; but on the strictest inquiry, and particularly when he got from Mr. Willoughby the paper of hints, he saw that he had been misled; and if the House will grant me a Committee, I will produce the very paper of hints, in order that there may be no doubt whatever upon the matter. I am authorized to say that. General Lodwick says—

> "Many persons of weight went so far as to think the Rajah ought to be sent to Bombay to have his conduct investigated, and that possession should be taken of his country; but that, at all events, the affair could not be quashed; and the question was, how to make the inquiry most effective, though it was feared nothing more could be expected from the Rajah."

This is a quotation from a letter. Then he proceeds—

> "A paper of hints was sent to me," [being then Resident at Sattara] "suggesting that the native officers" [alluding to the 23rd Regiment] "should ask to see the Rajah, tell him they had heard their part of the plot had been discovered, beg that he would protect them, either by advancing money to escape with, or a pass under his hand and seal to insure them service; that if he gave them money, the evidence would be strong; if a paper, convincing. If, however, he should give them up to me, with loud complaints of calumny, in this case I was to pretend to secure them, and, suspicion being hushed, an opportunity would be afforded of securing the principal agents. Honour and honesty being my motto in public as in private life, I spurned such shifts as these, and left the plot to develop itself, without secretly tempting the Rajah to afford me proof of his having aided it; determining to demand the delivery to me of the persons accused whenever the matter should transpire, and to take no active part in the Rajah's ruin."

When this letter came to the Bombay Government, they, seeing that General Lodwick would be no longer their tool, sent that General off; and then we hear of Colonel Ovans. I do, Sir, in the strongest manner regret that Englishmen placed in the highest and most responsible situation in which the Government of India places them, should lend themselves to such proceedings. I am prepared to prove this fact from documents in the blue book. I want nothing but the blue-book evidence, and living witnesses upon the spot, to make out the case I am now stating in one week from the time the House will institute the inquiry. I have entreated the Government to appoint a commission at Bombay; to appoint any individuals, civil or military from Bombay to conduct this inquiry; and (as I shall show) all these propositions have been rejected, and there has not been the least yielding to the claim for justice. Now, Sir, I think I may also state with some advantage, the opinion of the Court of Directors in 1838, when all these proceedings were sent home to the Court. They seem to have been alive to what was going on; and on the 13th June, 1838, Mr. Lushington and Mr. Jenkins, being then Chairman and Deputy Chairman, addressed the Government of Bombay—

> "We have perused with great attention the letters noticed in the margin, which relate to certain charges against the Rajah of Sattara. The Governor General has informed us, that he has required your proceedings on this subject to be transmitted and brought under the review of the Supreme Government at the earliest possible period. We hope and trust that these orders of the Governor General have been long before this fully complied with by you. In this belief we shall suspend our judgment on these proceedings till we are in possession of that of the Supreme Government; at the same time we have no hesitation in giving it as our decided opinion, that it would be not only a waste of time, but seriously detrimental to the character of our Government, to carry on any further inquiry in the matter."

This is the opinion of the Court of Directors upon having these facts before them. Again they address the right hon. the Governor of India in a letter of the 22nd of January, 1839:—

> "As Sir James Carnac, the Governor of Bombay, has been in communication with us on the subject of your proceedings regarding the Rajah of Sattara, we are particularly desirous that you should suspend any final decision on the case, until you have had an opportunity of taking into your consideration such observations and suggestions as may be made to you by Sir James Carnac on a review of those proceedings. In the meantime it may be as well for us to state to you, that we see no reason to dissent from the opinion expressed by the Court of Directors in the letter of the 13th of June."

That is the letter I have just read, stating that the sooner an end is put to the proceedings the better, and that it would be "seriously detrimental to the character of our Government to carry on any further inquiry in the matter." Now, Sir, I have taken the trouble to read these documents, to show that not merely the Directors had a conviction of the innocence of the Rajah, but that this very man afterwards became the tool of some party or other, and was guilty of this act of injustice. I want to show what took place at this time, in order that we may ascertain whether anything new has come forward; because there has been no new charge since that time, and all these charges were made in 1836 or 1837. I now come to a most important point, upon which I appeal to the British public, and ground my claim to have a trial. I will show that Sir Robert Grant, who has been so often quoted, never could have concurred in this proceeding, had he lived, of dethroning the Rajah without a trial. Sir Robert Grant, in a Minute of the 15th of August, 1837, thus states his opinion on reviewing the evidence that had come from Sattara, which I shall allude to by and by:—

> "I am further strongly of opinion, that before the case is conclusively disposed of, the Rajah should be made acquainted with the fresh evidence that has been elicited against him, and should be allowed the opportunity of offering defence or explanation."

He never was allowed such an opportunity. I will show that Colonel Ovans, when present at the commission, had promised the Rajah a copy of the evidence; and afterwards in his own handwriting to the Court of Bombay, declared he could not give him the evidence, because it was a secret inquiry; that secret inquiry involving the whole question against this unfortunate man. Again, Sir Robert Grant says (and I bring forward this evidence because the right hon. Gentleman shall not say it is my fiction; if it is a fiction, it is a fiction of Sir Robert Grant's), on the 20th of September 1837—

> "I think also that Colonel Ovans should be instructed to prepare a complete statement of the case which has been established against the Rajah, in order that when his inquiries are concluded, it may be furnished to his Highness, for any such explanation or answer as he may choose to offer."

That is my complaint. It never was furnished. Again, on the 31st May, 1838, Sir Robert Grant, in his Minute, states—

> "It will be asked, however, whether he is to be condemned without the opportunity of defending himself. The Rajah has not been told of the evidence taken by Lieutenant-Colonel Ovans, and, undoubtedly, has a right to be heard in his own vindication. I have never meant otherwise, al-

though I do not think that he will vindicate himself succesfully."

He then quotes the passage I have already read from the Minute of the 15th of August, 1837, and proceeds—

> "I repeat that opinion; not meaning that there should be merely the form, or farce, of a trial, to be closed by a ready-made judgment."

A pretty idea he had of what was going on! Now, mark:—

> "I wish," says he, "not merely the form or farce of a trial, to be closed by a ready-made judgment" [which he knew they had for him]; "but that the defence should be fairly heard and impartially weighed."

Sir, to this hour the Rajah has never had this statement, and he has never been allowed to be heard; and it is upon that ground we appeal to British justice for a trial. I said that Colonel Ovans should speak for himself. Here is the promise which he made, and which I will read. On a former occasion I stated the secret inquiry that took place at Sattara; and I will now only allude to it; I will allude to new matter entirely. Here is a statement recorded by Mr. Willoughby, one of the Commissioners, on the 13th of June, 1837. He says, that—

> "His Highness evinced throughout the whole of this interview, which lasted about three hours, the utmost readiness and self-possession: he was at first embarrassed; but it was only the embarrassment natural to a person in his situation. Latterly he argued with clearness and acuteness, took notes and asked questions, and certainly did not evince the slightest appearance of aberration of mind. He requested a Mahratta copy of so much of the depositions of the Soobahdars and Brahmins as affected himself, which was not at the time objected to."

Now, here the Rajah said, after a long intercourse, "Well, you have taken evidence." They took it first in English: they translated it into Hindostanee. He said, "I do not understood that language. Give me a Mahratta translation of all the charges, and I will answer them." He was promised it; and then what takes place? Colonel Ovans afterwards objected to that; because in an extract from a letter to the Bombay Government, 23rd of June, 1837, he says—

> "The only observations I feel called upon to make are with reference to what is stated in the third paragraph of his Highness's yad, on the subject of copies of the evidence taken before the Commission not having been given to him, and two of the members not having waited upon him before their departure from Sattara. As regards this, I beg leave respectfully to state, that the proceedings of the Commissioners being strictly secret, it did not consider itself authorized to grant a copy of any part of those proceedings to any person whatsoever; and with respect to the two members not waiting upon his Highness, it was evidently expedient to avoid any ceremony of this kind, considering the circumstances under which the Rajah was then placed."

The Rajah wrote to say—

> "You, the Commissioners, are going away; you have not given me a copy of the charges brought against me; send it to me."

Here, therefore, is first a promise that he should have the evidence taken in secret; and, afterwards, the same officer (Colonel Ovens) refuses to send it, because it was private. Now, Sir, if ever such a proceeding disgraced a tribunal where Englishmen presided, it has not come to my knowledge. Sir, I have stated these circumstances; and I think it necessary to give additional evidence, to show that the Court of Directors were not unanimous in their decision. I have alluded already to the dissent of Mr. Tucker, and I think it is of immense importance that I should read it:—

> "Because after stating that our former communications to his Lordship in Council on the Sattara case will have showed that we were disinclined to attach serious importance to the allegations against the Rajah which had been transmitted to us by the Governor in Council of Bombay, and that we were desirous that the proceedings in respect to the Rajah should be brought to a speedy close; after this clear and explicit intimation of our views which, as we continue to observe, 'coincided with the sentiments which your Lordship in Council expressed to the Government of Sir Robert Grant,' it was manifestly incumbent upon the Court, with a view to its consistency, to show by a distinct reference to some new fact or disclosures upon what grounds they had changed their opinion, and arrived at so very different a conclusion. Because, on an examination of the case upon its merits, I must think that the dethronement of the Rajah of Sattara was premature, uncalled for, and impolitic; and that the Government abroad was not empowered to resort to this extreme measure without the express sanction of the home authorities. That the elevation of Appa Sahib, the Rajah's brother to the guddee was most unreasonable, injudicious, and unwarrantable, inasmuch as it is calculated to produce great embarrassment to the home authorities in the exercise of their free judgment in the case."

This is Mr. Tucker's dissent when he was a Director in 1840. Now Mr. John Cotton—for it is not one or two of the Directors only who have from time to time expressed these sentiments in the strongest manner—Mr. John Cotton, a Director, says—

> "I deem it proper to place on record my reasons for giving such a vote. First, in respect to the deposition of the Rajah; because it appears by the Minute of the late Governor of Bombay, Sir Robert Grant, dated 31st May, 1838" [which I have read], "and by the Minutes of the Governor General, Lord Auckland, dated the 23rd Septem-

> ber and 29th December, 1838" [which I have also read], that however strong and conclusive the *ex-parte* evidence obtained against the Rajah was considered to be, it was never contemplated by either of those authorities to depose the Rajah absolutely, without first giving him the opportunity of offering an explanation of the charges established by evidence against him, or of refuting them altogether in a formal trial."

The Rajah has had no trial; and therefore Mr. Cotton refuses to give his assent to the measure. Now, Mr. Shepherd, the late Chairman, in the same manner says—

> "I concur generally in the view taken of this important subject by my honourable colleague, Mr. Tucker, which he has so ably expounded in his dissent. The offer of an amnesty to the Rajah of Sattara having been finally decided upon, it was injudicious to clog it with stipulations calculated to defeat its object. The preamble of the conditions which his Highness was called upon to sign, entangled him into an admission of guilt."

I beg the right hon. Gentleman's attention to that statement. He has said again and again, and I think also the right hon. Member opposite has stated, that the proposition by Sir James Carnac did not involve an admission of guilt. Mr. Shepherd, a shrewd and able man, a late Chairman, says—

> "The preamble of the conditions which his Highness was called upon to sign, entangled him in an admission of guilt; it also involved the Government in the glaring inconsistency of propounding a principle which required the strongest proof of the Rajah's unworthiness to reign, as a necessary condition on which he was to be continued on the guddee. Who will deny that his rejection of the proposal furnishes presumptive evidence of his innocence, and raises him more in the estimation of the world, than if he had ignominiously complied, for the sake of retaining his sovereignty. The setting up of Appa Sahib, who had manifested hostile and most unnatural feelings towards his brother—who had been a long and anxious aspirant to the throne—and who was himself strongly suspected of being concerned in the Sattara intrigues—is, in my opinion, neither justified upon any view of policy or justice."

Here, therefore, is the dissent of three of those gentlemen. I do not know that I need trouble the House with more; but I have other dissents which are as strong as possible. The dissent of Mr. John Forbes goes into the whole details, and he expresses himself very fully upon it. But I do not want to detain the House; therefore I will merely say that he concurs entirely, and gives his reasons at length why he concurs in that opinion. I therefore do contend that the dethronement took place without any ground, and that it was protested against at the time; and it is upon that ground that I say the House is bound to grant an inquiry. Now, Sir, to conclude. I have passed over the inquiry; I have shown that the witnesses were examined in secret; that they refused to give the Rajah a copy of the evidence; and that in fact until he received the blue books from this country, he was ignorant of the charges brought against him. I will read a letter from an eye-witness—a gentleman who is now in London, who was police magistrate at that time—and which gives a clear account of the treatment which this unfortunate Prince received. When he would not agree to acknowledge his own guilt, they immediately determined to surround his palace and take him away by force, which they did at night. He says—

> "On the arrival of the troops at Sattara on the evening of the 4th of September, 1839, we received orders to be on parade at two o'clock in the morning."

Evil deeds are done at night. These are the acts of the East India Company:—

> "During the middle of the night we proceeded in front of the Resident's house, and as soon as the troops could be told off and formed, which is always a difficult matter during a dark night, we marched into the town. Colonel Ovans and his staff officer were a little in rear of us. On arriving in front of the palace we halted. Colonel Ovans immediately entered the palace with one or two other officers. After a few minutes, the Rajah was brought out and placed in a palanquin; he was then in a state of nudity, with the exception of a pair of sleeping drawers. I subsequently saw a shawl thrown over him. It appeared that the Rajah was asleep at the time he was summoned by Colonel Ovans. It was stated by some, 'These are strange proceedings—depend upon it there is sure to be a serious row about this in England.' The Rajah was not taken to the village of Nimb, as is generally supposed, but some distance from it, to a mean-looking dwelling into which the Rajah was conveyed: it did not appear at all suitable for the reception of a fallen prince, who a few days before had expressed his anxiety to be relieved from the cares of government. It was quite evident cattle had been recently kept there, and it was overrun with rats and vermin."

That was the place to which he was carried. [Sir J. W. HOGG: What are you reading from?] I am reading from a letter of an officer who was police magistrate at that time. [Sir J. W. HOGG: What is the name of the officer?] If you will give me a Committee, I will bring him before it:—

> "Although Colonel Ovans three times solemnly assured the Rajah that the Rajah's private treasure and private property should be respected and delivered up, every shilling of the one, and every atom of the other, were, at his instigation, afterwards appropriated and confiscated."

I will produce Colonel Ovans's own three letters before the Committee, in which he pledges the faith of the British Government to preserve and restore the whole of his private property; and I will prove the manner in which he falsified that promise. Now, Sir, the treatment of the Rajah and his followers on the road to Benares was really disgraceful:—

> "At the Rajah's first place of confinement, whither his queen and family followed him, his daughter gave birth to a premature infant, which died on the spot, and with difficulty was the life of the mother, a prey to fear and anxiety, saved. Twelve hundred of the Rajah's subjects voluntarily followed him to his place of exile, nine hundred miles distant. With them he set out. The melancholy journey occupied five months. At one stage of it the wife of his intimate friend and cousin, the late commander of his troops, was seized with the pangs of childbirth. The Rajah implored a halt for this lady. His request was peremptorily refused; and the lady gave birth to an infant, without succour, by the road side. At another stage the exiles were overtaken by an armed body of men sent from Sattara, with the sanction of Colonel Ovans, and with orders to demand payment of a debt of many thousand pounds from the same person—the Rajah's cousin—or to take him back a prisoner to Sattara. He had left behind at Sattara property to three times the amount. To satisfy the demand, this gentleman and his family were stripped on the spot of everything they possessed, from the jewels of his wife and the ornaments of his children, down to the cooking pots carried by his servants. It has since been proved that no debt from him was due. A few days after this scene, this gentleman, a prey to shame, grief, and indignation, fell dangerously ill. A halt was again implored for him; it was again refused. On opening his litter at the end of the day's journey, this brave soldier, this 'noble fellow,' as General Lodwick called him, was found stretched in it, a lifeless corpse."

What should we think of the Duke of Wellington being taken out of his bed, put into a carriage, carried away, and driven till he was found dead? That is a similar case to this; for this man was Commander-in-Chief of the Rajah's troops. This is not denied. I have not read a single document, except that one letter, which is not from the blue book. [Sir J. W. HOGG: The officer who commanded denies it.] There is nothing they would not deny. Why not give me a Committee? I will prove that that denial is a forgery, like all the rest. I will bring living witnesses—men who accompanied him—and all the facts shall be proved. Let them institute an inquiry at Benares, and the facts shall be proved. I do not want an inquiry here exclusively; I only want an inquiry of some kind or other by which justice shall be done. It is rather too much to be told this is all disproved by the blue book. Let us know what is the authority; let us have the witnesses confronted; let us see on which side the balance will lie. Now, Sir, I have the Proclamation to depose the Rajah, and place his brother in the throne, with which I think it unnecessary to trouble the House. I now come to another matter. I have shown the deposition; I have shown the treatment; I have shown the way in which evidence was bribed, or at least I will show it; and I will now show how the evidence was obtained and got up; but I cannot do that without implicating Colonel Ovans. I was anxious to leave Colonel Ovans out of the question; but I have before me the charges that were made against Colonel Ovans, to which the right hon. Gentleman has alluded. They were laid upon the table of the Court of Proprietors; and it is very true that Mr. Wigram, one of the law officers of the Company, advised them, instead of advertising them, according to the rule of the House, not to publish them, because they were libellous, as they had been laid upon the Table of the House by Mr. George Thompson. But in the name of Mr. George Thompson, for the first time, let me tell the right hon. Baronet that he has spoken several times in a disparaging manner of that gentleman; and if Mr. George Thompson shall get into the House of Commons in the next Parliament—which is very likely—the right hon. Gentleman will be no more than a pigmy in the hands of a giant, if Mr. George Thompson gets hold of him. [An Hon. MEMBER: He belongs to the Peace Society.] Now, Sir, what is the case? Colonel Ovans is accused by Mr. Thompson; and Mr. Thompson has made himself perfectly master of the case; and I venture to say that he is better acquainted with the blue book than any one of us; and he has also been in India. He accuses Colonel Ovans—

> "That he did, from the time of his assuming office as Resident, down to the period of the Rajah's dethronement, in the month of September, 1839, systematically intercept, and cause to be intercepted, the whole of the correspondence of the Rajah, his servants, and his friends; and that Colonel Ovans did convert such systematic intercepting, opening, and perusing of the said correspondence into a means of counteracting and defeating every endeavour which the Rajah made to obtain a hearing, and to make known his case to the British Government, and into a means of secretly calumniating the friends of the Rajah to the British authorities. That Colonel Ovans did, in the month of July, 1837, obtain the removal of Govind Rao, a subject and friend of the Rajah of Sattara, then confined at Poonah, to strict confinement in the fortress of Ahmednugger, where, by means of a secret emissary sent from Sattara

expressly for the purpose, Colonel Ovans obtained from Govind Rao a paper purporting to be a confession of the truth of a petition criminating the Rajah, which petition, as Colonel Ovans had previously reported to his Government, had been proved by him to be the petition of Girjabaee, the mother of Govind Rao."

The House must understand what are these accusations. The first charge against the Rajah was an anonymous charge; it was put into one of the post-offices, and arrived at Bombay. The Bombay Government directed it to be sent to Sattara, and an inquiry to be made as to who the author of it was. It was supposed to be written by Girjabaee, the mother of the Minister, Govind Rao. It remained in mystery; the woman denied it, although Colonel Ovans declared he had seen her, and that she had signed that petition; and after a certain time, Krushnajee Sudasee Bhidey came forward, having been bribed to prepare this paper for 1,200 rupees. This is a fact stated in the blue book, that he had been bribed with a promise of 1,200 rupees to write the infamous charge against the Rajah. It remained an anonymous charge; and all these imputations of treachery and conspiracy were got up during this time; and afterwards, when this man came forward and tendered to Colonel Ovans evidence that he was the author of it, and that he was prepared to prove the whole, and did prove the whole, instead of Colonel Ovans sending that information to the Home Government immediately to let them know who was the author, he kept it secret for eleven months, and never let that fact be known, which was of the utmost importance to the Government. That is a charge, in my opinion, of a most serious nature. Mr. Thompson also states—

> "That Colonel Ovans, in September, 1838, was offered by Ballajee Punt Nathoo, his chief adviser, and Ballajee Kasee Khibey, his native agent, a highly treasonable paper or proclamation, bearing the genuine seals of the Rajah of Sattara, and calling upon the native troops in the service of the British Government to rise and extirpate the English. That it was intimated at the time that this paper was probably obtained by foul means, and that if there produced as evidence against the Rajah, his Highness might establish such to be the case."

The Rajah wished to show that somebody had got possession of his seals, and had written this violent proclamation in order to attempt to establish a charge against him that he was acting dishonourably; and Colonel Ovans suppressed it all. Mr. Thompson continues—

> "That Colonel Ovans afterwards suffered this paper to remain in the possession of his native agent for four months, until the 25th January, 1839. That during those four months Colonel Ovans wholly abstained from making any inquiry into the genuineness of this paper, or the means by which it had been obtained, and that he apprised his Government of its existence, only when he learned from the interception of the Rajah's correspondence, and from the Rajah himself, that his Highness had detected the plot by which the impressions of his seals had been fraudulently obtained, and the treasonable purposes to which they had been applied."

The charge goes on, that he purchased, bribed, and got up evidence. This is really a most disgraceful thing. Papers passing between the Rajah and his official agent—every letter from England from his agents, and from every other party—were opened and taken to Colonel Ovans, in order to try and make out a case. Notwithstanding all that, not one iota of actual guilt has been made out. Now, Sir, the accusation which has been made by Mr. George Thompson, and which, unfortunately, I am obliged to make against Colonel Ovans is, that he authorized the buying of evidence in order to support the accusations. Captain Durack, Line Adjutant to Lieutenant Colonel Ovans, in a letter dated 26th September, 1837, says—

> "I have the honour to acknowledge the receipt of your letter of yesterday's date, together with its accompaniment; and, in reply, to subjoin the following statement. Some days after my return to Sattara, from leave of absence on medical certificate, in the month of June last, Lieutenant Harne, who had been performing the duties of Line Adjutant in my absence, mentioned to me that a young lad of the name of Pundrung, and a person calling himself Hijront Row, had called upon him and said that they had been instructed by one Bhow Lely to say, that if he, Bhow Lely, were handsomely rewarded, he would procure certain treasonable papers connected with the conspiracy on which his Highness the Rajah of Sattara and his Minister, Govind Rao, were implicated."

Having removed Govind Rao before, which they did, thinking they would find treason in him, and not finding any, every one was anxious to obtain evidence; and, as Mr. Macaulay, in his observations, very properly states—

> "Any person who wants to get up evidence against a man who has incurred the displeasure of the Government, finds no difficulty about it."

Captain Durack goes on to state—

> "On the 16th, Bhow Lely called, and I told him he might have 150 rupees for his expenses. He accepted the sum, on the condition of being rewarded on his return with the seditious documents."

The seditious documents did not come so readily; there was some hitch about paying; but Lieutenant Colonel Ovans, Acting

Resident at Sattara, on the 27th of October, writes—

> "With reference to the statement of the Brahmin, Bhow Lely, on which so much strsss is laid, I beg to observe, that on my arrival here, Captain Durack reported to me that an offer had been made by this man to produce some treasonable paper on promise of a certain reward; and after ascertaining that he had been for some years in the employment of the Rajah, I authorized Captain Durack to pay him a certain sum for his expenses, and to give him a paper, and say that he would be rewarded according to the service he might perform."

Do you not call this subornation—giving money in proportion to the amount of service performed; giving him immediately 150 rupees, and saying that he shall be rewarded in proportion to the value of the documents he shall get, impeaching the Rajah? I have a copy of the receipt for the money so paid and received. I have also, Sir, authority to say, that there is a letter from Lieutenant Harne of the 8th Regiment, dated Sattara, 26th September, 1837, in which he says—

> "On several occasions during the month of May last, overtures were made to me through the agency of a Brahmin lad, called Pundrung, by a Brahmin, named Bhow Lely, to the effect that he, Bhow Lely, would, if inducement, together with guarantee of personal safety, were offered, produce certain documents bearing the signature of the ex-Minister of the Sattara Rajah and others, of a seditious and libellous nature, as connected with the relationship hitherto existing between the British Government and that of his Highness the Sattara Rajah."

Now we can multiply these proofs to show that Colonel Ovans and the party there were busy and anxious to obtain evidence and papers, and that in fact every device was resorted to to obtain them. That is one case; but here is another instance, where Colonel Ovans applies to have a gang robber pardoned; and this from the blue book. The following is an extract of a letter from the collector of Rutna Gherry, dated 23rd September, 1837:—

> "I have the honour to report to the Governor in Council, that Ballarama Chuprassee, an agent sent by the Acting Resident, Colonel Ovans, at Sattara, to Warree, requested the chief of Sawunt Warree to grant a free pardon to Balkoba Kelkur, and permit him to proceed with the agent to Sattara. The agent added, that on these conditions Balkoba Kelkur was willing to surrender himself up, together with the papers and seals in his possession."

This robber was pardoned. He was sent out, and he brings back a statement respecting the documents, which Colonel Ovans considers of the utmost importance. Colonel Ovans sends them to the Government as documents of great value; and hear what Sir Robert Grant says—

> "I have perused with equal surprise and regret the letter from the Governor of India, dated the 2nd; for I conceive, that if the course suggested be pursued, the credit of the British Government will be seriously impaired."

Then he says—

> "Under these circumstances, however, it cannot be denied, that the character of the Bombay Governor is almost as deeply committed on the event of the present discussions, as that of the Ruler of Sattara."

Then he says—

> "That Colonel Ovans first learned of these papers from Dajeeba Waeed, who, with Ballaram, was sent to Warree, to discover Balkoba, to obtain the papers from that person. Some difficulty was at first experienced, but the attempt at length succeeded. Tha papers were obtained on the payment of 400 rupees."

Now, these papers were sent with an English translation, purporting to be of the utmost importance; being papers to criminate the Rajah of Sattara, signed by Colonel Ovans. He forwarded papers for which he had paid 400 rupees, though attached to them were two seals, as seals belonging to the Rajah of Sattara; whereas Colonel Ovans had in his possession the Rajah of Sattara's real seals, which were of an oblong shape; and it was impossible for any man who was Resident there not to have known and immediately to have detected the fraud. Therefore the charge is, that he did first purchase these papers—that he did forward them, stating them to be papers implicating the Rajah of Sattara—and that he forwarded them with these seals, while the seals were acknowledged to be forged. Sir, I am quite satisfied that if the truth can possibly be elicited—if we can have an opportunity of inquiry, all these facts will be made as clear as the sun at noon day. No one was more hostile to the present Rajah than myself at first, when I heard of Sir James Carnac's removal of him, because I had the greatest possible confidence in that gentleman, and I believed he was not capable (as the right hon. Gentleman knows) before he went to India of any such act. But the evidence was such as to make upon me an impression so strong, that there is no case I have ever undertaken which appears to me more clear than that which I have now stated. Now, Sir, I will mention another argument. There were papers laid before the House on the 4th of July, 1845—I will not trouble the House by reading them, but I will state the facts. The Rajah of Sattara, at the time he sent a petition to the House of Commons, sent a petition to the President of the Board of Control also. I endeavoured, quietly and privately, to do all I could to obtain justice for him. At last, Lord Ripon being in office, in 1844, I went to Lord Ripon, and stated, "Here is new matter—here are forged seals—the individual who committed the first forgery has presented a petition to the House of Commons, and there it lies; I hope you will now open the question, as this is new matter. The whole conspiracy can be proved, and here is the statement in detail." Lord Ripon took the papers, and said he was very sorry, but there were difficulties in the way; and I left the papers. On the next day I received a letter from Mr. Baring, the Secretary to the Board of Control returning me the papers, and saying, "he was sorry he had been directed by his Lordship to send them back; but the papers from the Rajah could not come otherwise than through the Governor General: they must keep up the rule, and therefore they refused to receive the papers." I wrote a letter immediately afterwards to the Rajah; and he sent a letter to me. I said, "I return to you these papers, because the rules of the Government here do not permit of their being received; I advise you, therefore, to send your statement to the Governor General." Sir Henry Hardinge was just then going out; I advised him to send the papers to him, and said that he would forward them no doubt. On the receipt of my letter, soon after Sir Henry Hardinge arrived, he laid the whole of his case before Sir Henry, and requested that it might be conveyed to the Court of Directors here. Will the House believe, that although I have moved three times for these papers—(I have got a copy of the letter which was sent to the Rajah)—that letter has never to this hour been produced? It has been kept back by the right hon. Gentleman, I have no doubt. [Sir J. C. HOBHOUSE: What is the date of it?] The 12th of December, 1841. I have a copy of it. I have moved for that letter twice. The right hon. Gentleman opposite will recollect that he assured me that no such paper was in his possession. [Sir J. W. HOGG: What letter do you allude to?] A despatch respecting the letter addressed by the Rajah of Sattara to the Governor General, which has never yet been given. I have got the letter here, and it details the whole of the case. Thus, therefore, he is refused access to the Government here, and directed to send the papers home by the Governor General. The Governor General either does not send them, or they are intercepted. How can such a system be sustained as compatible with justice? Sir, I will mention another instance of the manner in which this matter has been conducted. When Krushnajee Sudasee Bhidey sent a petition to the House of Commons, stating that he was ready to prove the whole to be a forgery, referring to living witnesses in Bombay who could be called to prove the facts, I applied to the Chairman of the Court of Directors, Mr. Shepherd. Mr. Shepherd said, "It is very extraordinary. I have not heard of these letters; but if you will send them to me, I will forward them to India." I wrote a letter, dated the 18th May, 1844, to Mr. Shepherd, containing eighteen enclosures, being all documents ready to be proved; for there were on the spot witnesses to ascertain whether they were true or false; not the evidence of men who had been guilty of forgery, but other individuals who were cognizant of the matter, and could prove it. I charge Colonel Ovans in my letter with having suppressed documents—I charge him with having refused inquiry; and I desire that the witnesses named in the petition to the House of Commons shall be examined by some competent tribunal in Bombay, in order to ascertain the truth. I say that the innocence or guilt of the Rajah is not the question, but I want an inquiry. On the arrival of these documents, what was the course which the Government took? They first placed the case in the hands of Mr. John Warden, who is called the agent for native Princes. Mr. Warden sent for Krishnajee Sudasee Bhidey, and said, "Have you sent this petition from India?" "Yes," said Krishnajee. "Do you know what you state; and are you prepared to prove those charges?" said Mr. Warden. "Yes," "Where are your witnesses?" "Oh, I have got all the witnesses." Mr. Warden directs him to attend the next day; and says, "Are you aware that if you fail to prove those charges, what the consequence will be?" "Yes; I am perfectly ready to undergo the penalty; I have given you, as you desired, in writing the names, and many of them are living—men of property—bankers, sheriffs, and men of considerable property." "Well," says Mr. Warden, "we must take security that you will proceed with your examination." "What security do you want?"

"One thousand rupees yourself, and five thousand in other security." This is from a man earning a few rupees per month! A bond is signed, and security is entered into; and he attends on the next day and expects the inquiry to go on. But, no; he goes again and again; and the fact is, that to this hour no inquiry has been made. What did the Government do? The Goverment sent these charges to Colonel Ovans and the native Ballajee Punt Nathoo. They return them, and say, "These charges are all false; why do you entertain them?" That is the answer that comes home—the man who offers to prove the charges having given security for one thousand rupees himself, and five thousand repees as security from others! The charges remain to this hour uninquired into. Does that look like innocence on the part of the Bombay Government? No! I defy any Director, or the right hon. Gentleman, to explain that, otherwise than as a consciousness that if they permitted inquiry, the whole case would be proved against them. That is one case; and I say, in addition, that in every stage there is evidence of conspiracy. I wish I was at liberty to state the individuals who I think are implicated. Well might the Court say—

> "The character of the British Government is at stake, if you proceed with such an investigation."

Now, Sir, I come to one other point, and it is of extreme importance—the overtures made to the Rajah. After this letter to the Governor General, application was made in September, 1845, to the Rajah to this purport; and this is very curious. The Rajah is addressed by the Resident, Major Carpenter—a man of high character, an officer in the East India Company's service, against whom I never heard a charge breathed. He says—

> "'Your Highness is aware that in England there is a General Court of Proprietors of East India Stock held every three months for purposes of business, and that your case has been frequently discussed there. Now, I would beg to suggest to your Highness the expediency of having these reiterated discussions on your claims discontinued.' 'Why,' replied the Rajah, 'should they be discontinued, seeing that they form the only channel through which my wrongs can be brought forward to the notice of the British public? And if the publicity which they cause be suppressed, it would be tantamount to shutting the door of justice altogether to further inquiry into the facts of my case.' 'None of the authorities in England,' observed the Agent, 'have the power of causing the re-establishment of your Highness on the Throne of Sattara. With your Highness's permission, I should recommend that you should, in the first place, agree to one proposition I shall make, preparatory to those which I shall take the liberty of submitting for your Highness's consideration. First, you should acknowledge that, after having tried and exhausted every means in your power for a period of six years, in your efforts to obtain justice, you have at last retired, perfectly hopeless of receiving any acknowledgment of your rights; you have, therefore, relinquished all your claims to the Sattara throne and territories: secondly, that you will withdraw your agent in London, and discontinue the agitation of your case in England: thirdly, that you will solicit for some suitable place of retirement; for the restoration of your private property; for an increase of the monthly allowance made to you; and for Government to approve of the adoption you have made in favour of the little boy, Trimbukjee Rajay. You must empower me, under your hand and seal, to propose these terms for the consideration of the Governor General, who is soon expected in the Upper Provinces. Should the Governor General decline complying with these proposals, I will, as I am proceeding to England, undertake to submit them to the Court of Directors and the Board of Control.'"

Now, mark! In reply to this, his Highness observed—

> "I am neither a mahajan (shopkeeper), nor a sowcar (merchant), nor a baboo (Bengali gentleman), nor a temindar (landowner, or rather farmer), nor is it likely that I should forego my rights of sovereignty, for the conditions you have to offer for my acceptance. I shall act conformably to the manner in which my ancestors have acted; and I hope my successors will so act. This is only in accordance with what is enjoined in our religion. With reference to the proposal in which I am directed to solicit for a suitable place of retirement; for the restoration of my private property; and to ask for an increase of my monthly allowance: supposing these were offered me, can it be expected that I should receive them, and waive my sovereign claims? A friend and ally of the English, you have, without any cause whatever on my part, deprived me of my throne and dominions, driven me from my country, and subjected me to every species of oppression and degradation; and is this the justice I am at last to receive at your hands? I would rather perish than subscribe to the terms you propose."

Here is the proposal which was made. Mr. George Thompson mentioned this in the Court of Proprietors; and, to the astonishment of everybody, nobody knew anything of it. However, he pledged himself that he had a copy; and he was prepared to produce that copy. The hon. Gentleman knows what followed better than I do. After the Court was over, great consternation was expressed. At a meeting of the Court of Directors, the opinion strongly expressed was, that information must be obtained, whether that compromise was offered or not. Is it true or false? For that purpose a despatch from the Secret Committee was sent, which I will read. This is one of the secret papers. It appears that after that exposure in the Court of Proprietors — after a declaration that such an offer had taken place — after a denial on the part of the Chairman that he knew anything at all about it—the Directors, for the vindication of their own honour, and to obtain information, directed their Chairman to write for that purpose. [Sir J. C. HOBHOUSE: It was the Secret Committee.] The Secret Committee! Well, so much the worse; because acts of this kind should be done publicly, and not by the Secret Committee. But this is a copy taken from the paper sent to India. Mr. G. Thompson, the person who has been alluded to, found this paper upon his table one morning. This is the document — this is the paper that I stole in Bengal; though I could not be there and here at the same time. The fact is, this letter was written, and signed "Henry Willock, James Weir Hogg;" and the right hon. Gentleman opposite must have been a party to it. It is headed—

"DESPATCH FROM THE SECRET COMMITTEE OF THE COURT OF DIRECTORS TO THE GOVERNOR GENERAL IN INDIA. (Secret.) No. 1175.

"We transmit to you a paper purporting to be the subject of a conversation between the Governor General's Agent at Benares and the ex-Rajah of Sattara, which was read by Mr. George Thompson at a General Court of Proprietors of the East India Company on the 18th instant. The Court of Directors have no information with respect to the propositions stated in this paper to have been made by Major Carpenter to the ex-Rajah; and we, therefore, desire that a copy of the statement be sent to that officer, and that he be called upon to transmit to you, without loss of time, whatever observations he may have to offer upon it. A copy of these observations you will forthwith forward to us, together with any explanatory remarks which the case may appear to you to require."

Now, it is rather curious that a copy of that despatch should have led to all this dispute with the right hon. President of the Board of Control. The hon. Member for Wolverhampton (Mr. Villiers) had it put into his hand—for I was out of town when the paper was moved for—and an application was made to the hon. Member, who proceeded to the right hon. Gentleman, and asked him whether he had any objection to produce the papers. The right hon. Gentleman agreed that they should be produced; but afterwards he altered the terms of the Motion. Now, here is a letter from the Governor General, dated the 15th May, 1846, to Major Carpenter:—

"I am directed by the Right Honourable the Governor General to transmit for your information the accompanying copy of a letter, dated the 24th March last, with its inclosures from the Honourable the Secret Committee," [which is what I read] "and to request that you will submit any explanation or observation you have to offer relative to the propositions you are alleged to have made to the ex-Rajah of Sattara."

Now those are two of the secret papers. The third is not the paper at length, which I am sorry for, but it is the substance of a despatch consisting of seven paragraphs addressed by Major Carpenter, the Governor General's agent at Benares, dated May 26th, 1846. Now I wanted the right hon. Gentleman to say whether this was correct or not. It is as follows:—

"Paragraphs one and two, refer to the conversations held at various times with his Highness the Rajah relative to his circumstances at Benares, and his wishes respecting the progress of his cause; also to the paper read by Mr. George Thompson at the India House, which is described by Major Carpenter as substantially correct, though in some particulars inaccurately translated. Paragraphs three and four state, that the representations from time to time made at the India House respecting the case of the Rajah, by the friends of that Prince, are true; and that the Rajah has been proved to be innocent altogether of the charges brought against him by the Bombay Government. Paragraphs five and six, contain proof, furnished by Major Carpenter himself, of the entire innocence of the Rajah of all the accusations brought against him. Paragraph seven refers to a conversation between Major Carpenter and the Governor General, while his Lordship was at Benares, respecting the circumstances of the Rajah; and the assurance of the Governor General that he would explain everything to the Court of Directors."

These are the papers which the right hon. Gentleman accused me of having stolen. These are the purloined papers that Mr. George Thompson produced, which I have asked two or three times to have produced, in order to see what they really are. I do not allege that these are true; we want to know that; and when I asked the first time, the right hon. Gentleman said, "Oh! you have taken these papers; we have a rule—we will not let you have them, because somebody has stolen them." The hon. Gentleman said I had stolen them, or that I was the receiver of stolen goods. I have since been told, that if any one person would be at the expense, and disregard the impropriety, any paper may be obtained. It was remarked to me by a gentleman from India, "What a fuss you are making about this! There is not a document belonging to the Bengal Government which I could not buy." But, Sir, here is the point. This letter purports to be the substance of a secret letter from Major Carpenter; and it is a paper which the right hon. Baronet kept seven months before it was known to be in England; therefore he had made up his mind to keep it. An hon. Gentleman, I believe also in the Court of Proprietors, alleged, if I recollect right, that the Directors did not know of it; but after it had been discovered to be a stolen paper, he said he could not give it up. It was seven months in the right hon. Baronet's possession before he knew there was a copy here. We have eight folio volumes, consisting of 1,680 pages from the Secret Department, in the case of the Rajah of Sattara. Everything that could criminate the poor unfortunate man has been laid upon the Table of the House; but the moment anything that looks like exculpation appears, it is locked up. Is that English justice? You refuse him a trial; you keep the papers. But the right hon. Gentleman says it is not so. Has he not admitted that he has the paper, and will not produce it? Why was it not produced months ago? We know that a despatch was sent out to obtain information. The Court of Directors, up to this moment, have refused that information. What have they done? I am sorry to say the Court of Proprietors have been treated with very little ceremony. When they asked for the information, the majority at first certainly voted against it. Afterwards a Motion was made by Mr. Lewis, in the Court of Proprietors, and against the Court of Directors: that Motion was carried, that these papers should be asked for; that the Court of Directors should apply to the Board of Control for the papers. The right hon. Gentleman answered, "I have received your letter;" but he did not condescend to say he would not give them, or that he would take time to consider, but simply acknowledged the receipt of the letter. Another letter was written, which received the same answer; and yet the right hon. Gentleman pretends to say we are dealing with fictions, when almost every allegation, except the two letters I have last read, is taken from the blue books! Now, Sir, let me ask you, why should the right hon. Gentleman, when this unfortunate Prince is suffering in exile, blame me for asking him to produce papers which I am informed contain statements which will prove his innocence? As I have said before, would it be tolerated in an English court, or in an English House of Commons, if any Peer of this realm had been tried for treason and degraded, his property confiscated, sent into exile, and it should afterwards turn out to be the result of a conspiracy—when that proof became as clear as the sun at noon day—could it be said, "Oh! these papers have been stolen; you shall not have them?" What has the mode of getting them to do with the question as to whether they contain any facts of importance or not? What have I to do with the manner in which they have been obtained, or what has the right hon. Gentleman to do with it? The right hon. Gentleman ought at once to have said, "These do not contain anything connected with the Rajah that can be of importance;" or, "My producing them will be injurious to the public service." But he has not ventured to say that. Why does an English Gentleman—an administrator of justice, maintaining the opinion that every man ought to have a fair trial upon the charges brought against him—I say, why does the right hon. Gentleman detain in secrecy documents of this kind; documents asked for by the Court of Proprietors, and refused to the House of Commons—and refused to the Court of Directors? I say, the right hon. Gentleman is culpable in the highest degree. It is a denial of justice. I have shown the House the doubtful manner in which the evidence bears on the charges; I have shown the House the mode adopted to obtain evidence. Is it not too hard that at this day we should have such proceedings going on? Whether the Rajah be guilty or not, I say he ought to be tried; I say he ought to be heard; I say that the prayer of his petition ought to be awarded to him. His petition to this House is, "Give me but the fate of a peasant in England; let me have a trial. Were I a peasant in England, I should obtain a trial; I should have justice done me; I am an exiled Prince, having been deprived of my sovereignty under these pretences; and yet I cannot get justice; no person will listen to me." I can only say that the character of the East India Company in India stands on very fragile grounds, if such a course of proceeding is to be maintained. No case has occupied so much of the attention of the natives of India as this case; and I should not wonder, to tell the truth, that some of those thousands who sympathize with that unfortunate man, hearing what the despatch alluded to contains—I should not wonder if some of them, unknown to any person, had obtained these papers, or even paid for them, in case they could not obtain them in any other way, in order to send them over here to give the Rajah a chance of the matter being inquired into. It appears to me to be a question which appeals to the justice of the British House of Commons. It is a case which appeals to English gentlemen. We do not ask you to say that the Rajah is innocent; we ask you to do common justice. What is the opposition? It is an opposition from the noble Lord at the head of Her Majesty's Government, and from the right hon. Gentleman at the head of the Board of Control. Now, Mr. Tucker says "I have not altered my opinion"—I have read you his able dissent—

> "I have not altered my opinion; but the question cannot be opened in the Court of Directors. It rests with Her Majesty's Government, and it rests with the right hon. Gentleman at the head of the Board of Control. He is the organ of Government upon Indian matters."

What can the right hon. Gentleman expect himself, if he should be placed in a situation in which he should be compelled to appeal to this House? If he should be treated as he has treated others, I think he would be very unfortunately situated. But, Sir, the time that has elapsed has been raised as an objection to inquiry. Now I hold in my hand a case exactly similar to the present; it is that of the Rajah of Tanjore. The Rajah of Tanjore in 1827 died, leaving a child. His uncle and relations combined by subornation of witnesses to prove to the Government that he was not the proper heir; and he was accordingly set aside, and his uncle succeeded to the throne. The same course of proceeding has been adopted against the Rajah of Sattara. The party who plotted is now on the throne; the Brahmin who was the first prime mover has got an estate of 20,000 or 30,000 rupees; every one who assisted in this conspiracy is now rolling in wealth. This individual, the Rajah of Tanjore, who ousted his nephew, sat for ten years on the guddee, and at last some of the party impeached him; an inquiry took place, and the conspiracy which had been entered into was discovered. When the Government of India determined to re-inquire into the Tanjore case, they recorded their reasons in the following words. Lord Wellesley, in his despatch, says—

> "Adverting to the right of the Company to interfere originally with respect to the succession of Tanjore, it is observed, that the same right called upon them under existing circumstances to review the whole subject, and that if it should appear that the decision of the Government had been procured by imposition and intrigue, by which the legal heir had been deprived of his rights, a declaration to that effect, followed by his restitution, would be more honourable to British justice, and more calculated to promote our political character and interests, than to suffer the continuance of an imposition obtained at our hands by sinister and undue means. It would manifest to the world that the principle of British justice is ever true to itself, and that if those entrusted with its administration should be betrayed into error (an event not impossible even from the integrity of their own minds), when truth shall have made its way, the hour of retribution must come, and the honour of the British name be completely vindicated."

That is the Minute of Lord Wellesley, which does him honour in my opinion. Do not, therefore, entertain any fear of retracing your steps, and replacing this individual, if it should turn out on inquiry that he is innocent of these charges that are brought against him. I therefore say, that time cannot be set up as a bar against justice being done; and it is only by inquiry you can solve the mystery whether he is innocent or guilty. My own opinion is, that he is perfectly innocent. I therefore intreat the House to agree to the proposition which I submit. I have put on the Paper a notice for a Committee of Inquiry; and the right hon. Gentleman complained, on a former occasion, that I had changed my notice half a dozen times. Why, Sir, if I had changed it a dozen times I had a right to do so; circumstances may change, and I must frame my notice to suit the times. The principle of the Motion is the same; and inquiry is all I want. I want the House to grant an inquiry—I ask no more—and I trust it will give me no less. I therefore move—

> "That it is the duty of this House, to institute an inquiry into the conduct of the East India Company towards Purtuab Sing, the Rajah of Sattara, in depriving him of his Sovereignty, and sending him to Benares, where he is in exile, deprived of his liberty and property."

MR. EWART seconded the Motion.

On the Motion of Mr. HENLEY, the debate was adjourned.

THE ADJOURNMENT.

On the Motion for going into Committee on the Masters in Chancery Affidavit Office Bill,

LORD G. BENTINCK moved the adjournment of the House.

MR. M. O'CONNELL hoped, that the Government would give hon. Members on that side of the House an opportunity of expressing the sense with which they viewed the proceeding of the noble Lord. The hon. Member ridiculed the noble Lord, as pretending to be the leader of a great party, for what he termed that obstructive policy which interrupted all public business.

Lord G. BENTINCK said, it was very well for an hon. Gentleman who had been at his dinner to object to an adjournment; but those who had been present during the whole night must feel very differently. The Chancellor of the Exchequer, the Vice President of the Board of Trade, two Lords of the Treasury, and the Secretary of the Treasury, had been fast asleep during most of the evening. Some of them were lying on their backs, with their heads down and their feet up. The noble Lord the First Commissioner of the Woods and Forests was also fast asleep, and almost every official Gentleman was in the same state. The hon. Gentleman who objected to the Motion for adjournment the moment he returned from dinner, went also fast asleep. He did not see why those who had to meet in the morning on the Health of Towns Bill should be asked to sit after twenty minutes past One o'clock.

The House divided on the question of adjournment:—Ayes 8; Noes 32: Majority 24.

List of the Ayes.

Archdall, Capt. M.
Bentinck, Lord G.
Brotherton, J.
Colville, C. R.
Grogan, E.
Henley, J. W.
Manners, Lord J.
Stuart, J.

TELLERS.
Hudson, G.
Borthwick, P.

List of the Noes.

Aglionby, H. A.
Arundel and Surrey, Earl of
Clive, Visct.
Craig, W. G.
Dickinson, F. H.
Dundas, Sir D.
Ferguson, Sir R. A.
Gibson, rt. hon. T. M.
Greene, T.
Grosvenor, Lord R.
Hallyburton, Ld. J. F. G.
Hamilton, Lord C.
Hawes, B.
Hutt, W.
Jervis, Sir J.
Labouchere, rt. hon. H.
Maule, rt. hon. F.
Moffatt, G.
Monahan, J. H.
Morpeth, Visct.
Morris, D.
Norreys, Sir D. J.
O'Connell, M. J.
Parker, J.
Pinney, W.
Price, Sir R.
Rutherfurd, A.
Seymer, H. K.
Sheil, rt. hon. R. L.
Somerville, Sir W. M.
Wood, rt. hon. Sir C.
Yorke, H. R.

TELLERS.
Tufnell, H.
Ebrington, Visct.

Question again proposed that the House resolve itself into a Committee. Amendment moved that the House would on the next day resolve itself into a Committee. Amendment and Motion withdrawn.

House adjourned at a quarter to Two o'clock.

HOUSE OF LORDS,

Tuesday, July 6, 1847.

Minutes.] Public Bills.—1^{a} Railways (Ireland, No. 2); Fishery Piers and Harbours (Ireland).

Petitions Presented. By Lord Brougham, from Walsall, and several other places, for the Enactment of Sanitary Regulations; and from the Landlords and Merchants' Association of Glasgow, for an Alteration and Improvement of the present Law relating to the Small Debt Courts (Scotland).

HOUSE OF COMMONS,

Tuesday, July 6, 1847.

Minutes.] Public Bills.—1^{o} Poor Removal (No. 2); Trust Monies Investment; New Zealand.

2^{o} Copyright Colonies.

Reported.—Drainage of Lands (Ireland); Mussel Fisheries.

3^{o} and passed:—Custody of Offenders; Shannon Navigation; Joint Stock Companies.

Petitions Presented. By Viscount Sandon, from Horatio Nelson Hughes, Merchant of Liverpool, complaining of the Ecclesiastical Commission.—By Sir H. Douglas, from Liverpool, against the Repeal of the Navigation Laws.—By Mr. B. Baring, from Poor Law Officers, for a Superannuation Fund.

HEALTH OF TOWNS (ADVANCES).

House in Committee.

Viscount MORPETH moved—

"That provision be made for advancing, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, the sums necessary for defraying the expenses of preliminary inquiries which may be made in pursuance of any Act of the present Session for improving the Health of Towns in England."

Lord GEORGE BENTINCK said, that this was a very indefinite vote. The House ought to be informed of the probable amount that would be required.

Viscount MORPETH replied, that the House having sanctioned a clause in the Bill for preliminary surveys, the object of the present proceeding was to enable the Government to make advances for that purpose.

Lord GEORGE BENTINCK was by no means satisfied with the explanation. Some estimate of the amount required ought at least to have been furnished. As the matter at present stood, the noble Lord the Chief Commissioner of Woods and Forests asked for an unlimited vote.

Viscount MORPETH did not know what amount would be required, as he could not tell how many places would come under the operation of the Bill. The whole expenditure, however, would be under the control of the Treasury.

Mr. HUDSON was of opinion that it was not proper for the House to grant the vote without having some estimate of the sum likely to be required. He objected to the practice of the Woods and Forests and the Admiralty sending down public surveyors on all occasions. In one instance which came within his own knowledge, some honest millers desired to make some improvements in their property, for which they proposed to obtain an Act of Parliament. The Woods and Forests sent down a surveyor, and these parties were obliged to pay a bill of 350*l.* sent in from the Woods and Forests. He did not find fault with the proceedings of Government generally; but he did find fault with the practice of Government sending down persons who knew nothing about the business they were sent upon, and who only interfered in some petty manner, for the purpose of justifying the bills which the Woods and Forests and Admiralty were certain to send in to the parties. It was unworthy of Government to interpose in many of those petty matters and improvements which parties might choose to undertake.

The CHANCELLOR OF THE EXCHEQUER said, this was merely a vote to allow an advance to be made, which would be paid by each town under the provisions of Clause 17. It would not be possible at once to form an estimate of the amount required; but the Government would take every care to check the amount of expenditure. The difficulty in the way of forming an estimate arose from the circumstance that it would be difficult to say what amount would be required for each town; but the Treasury would only advance so much as was absolutely necessary. By the means thus proposed the towns would be enabled to repay their respective quotas gradually.

MR. BANKES observed, that the course proposed to be taken was a much more serious matter to the towns than if the charge was at once placed on the Consolidated Fund. The charge for the repayment of the advances was nominally to be on them for five years; but who could say that it would then end? In point of fact, this resolution gave the power of unlimited and uncontrolled taxation. This charge also would fall with peculiar weight on those places least able to bear it. He objected to the proceeding with such a matter while several Committees on important subjects were sitting. He had himself to attend a Committee on the law of settlement at one o'clock; he trusted, therefore, that the question would be postponed.

MR. HUME said, that it was clear that the hon. Gentleman mistook the object in view. By the 14th and 15th Clauses, towns which were not corporations could not be brought under the operation of this Act unless with their own consent. It was utterly impossible in the first instance to state what amount would be required, as they knew not to what extent and how many surveys would be required. He thought this was one of the most convenient modes by which improvements could be carried out.

MR. SPOONER could not agree with his right hon. Friend Mr. Hudson in opposition to this resolution. It appeared to him that the opposition to the vote was only intended as another mode of taking the sense of the House on the Bill, for it was clear that no measure of this kind could be carried out by the Government without such a vote. He was anxious that it should be postponed; but it appeared to him that the course now taken was something more than a legitimate opposition. The question had already been so often decided by large majorities, that he objected to such an opposition.

LORD GEORGE BENTINCK suggested that the amount of the vote should be limited to 20,000*l.* If this were done, he would offer no further opposition to it. He moved to limit the vote to that sum.

The EARL of LINCOLN thought that 20,000*l.* would be sufficient to carry out the surveys which could be executed in the present year. He rose to suggest, however, that the preliminary expenses of inquiry should be borne by parties making application from towns which were not corporations until the Government reports were received respecting them.

VISCOUNT MORPETH observed, that if they made the charge upon those making applications for sanitary purposes, individuals would not come forward to take that burden on themselves. He conceived that the amount named would not be immediately required; but he really did not know the extent to which applications might be made. He, therefore, did not wish to cripple any future usefulness by limiting the amount of the vote.

MR. HUME was satisfied if they came to a vote for a specific amount, the Commissioners would take care to make their expenditure equivalent to the whole amount. If the matter was left to the Government, he did not think there would be any extravagant expenditure.

MR. W. MILES did not think that it would be fair to bind the towns down to those charges, which might be imposed upon them on the application of 300 persons. He trusted, however, his noble Friend would not divide the House on this vote.

Amendment negatived.

Resolution agreed to.

House resumed. Resolution to be reported.

HEALTH OF TOWNS BILL.

House resolved into Committee on the Health of Towns Bill.

On Clause 20 (who shall execute the Act in districts which are not corporate towns) being put,

CAPTAIN PECHELL moved that the latter part of the clause be struck out, which referred to dividing these towns into wards. In many places where a large number of town commissioners were now elected, the matter was carried on without political excitement; but this would not be the case if they were divided into wards.

VISCOUNT MORPETH was satisfied if they did not divide large towns into wards for the purpose of elections, it would be attended with very great inconvenience.

Amendment negatived.

Clause agreed to.

On Clause 21 (Commissioners' Clauses Act, 1847, incorporated with this Act) being put,

CAPTAIN PECHELL was sure the House was not aware of some of the clauses in the Town Commissioners Act which it was proposed to incorporate into this Bill. Under some of the clauses plurality of voting was allowed, such as was first adopted in Sturges Bourne's Act. By that system a person had a number of votes according to the amount of his rating. For instance, a man rated at less than 50*l.* a year had one vote, while a person rated at 250*l.* a year had six votes. It was therefore pretty clear what the noble Lord meant when he proposed to insert the word owner in a previous clause. If a proviso was not inserted in the Health of Towns Bill, plurality of voting would be established in every case under this Bill, as it had been adopted under the Commissioners' Clauses Act. He trusted that he should have the assistance of the hon. Member for Finsbury in opposing this clause. He should propose an Amendment to the following effect:—

"In line 14, after 'electing,' insert the following, 'the said town commissioners, every ratepayer, shall have, and be entitled to give one vote, and no more, in respect of the property for which he is qualified to vote at such election, and that for the purpose of conducting the election.'"

VISCOUNT MORPETH did not dispute the importance of the principle alluded to. If, however, his hon. Friend would look into the subject, he would find that the principle of plurality of voting already existed in several Acts, such as the Parish Vestries Act, the Poor Law, and in the Act which passed this Session called the Commissioners' Clauses Act. It was only proposed to give the same right to property as it possessed under Acts relating to analogous subjects.

MR. J. STUART thought great inconvenience would arise from endeavouring to incorporate into this Bill, which was for a limited purpose, the whole of the enactments of the Commissioners' Clauses Act, which was of general application. He confessed he did not understand this clause, for by the express words of it the whole of the Commissioners' Clauses Act was to be incorporated into it; but when he referred to the 112th Clause of that Act, he found that it was impossible that this could have been intended. He was anxious that a Sanitary Bill should pass, but it should be in such a shape as to furnish every reasonable prospect of its being successful in its operation.

VISCOUNT MORPETH said, the whole question resolved itself into this. Were they prepared to have a bill of 300 clauses, or three bills, one of 112 clauses, another of 150 clauses, and another of 50 clauses? The question was, whether they should repeat in this Bill the enactments of the Commissioners' Clauses Bill, or take the simple mode of referring to the other Bill. This system was the basis of almost all their private legislation.

MR. WAKLEY said, that the explanations had been so involved and intricate, that he could not understand the subject. It had been intimated that the present Government was not the first to introduce Acts of Parliament bodily into other Bills. He would recommend another kind of boast to the noble Lord—that this was the first Government to abandon such a practice. He would suggest, also, that for the future the task of drawing Acts of Parliament should be imposed not upon the legal profession, but upon laymen. He was speaking seriously; and he was satisfied the adoption of his suggestion would lead to much less confusion than now existed as to the meaning of Acts of Parliament. Before he sat down, he wished to make some observations as to what had fallen a few nights ago from the hon. Member for Sunderland (Mr. Hudson). Dr. Laycock, of York, had written a letter to him, which he would read to the House, respecting the sanitary condition of York, and also as to the language used by the right hon. Gentleman respecting Dr. Laycock's report. The letter was as follows:—

"York, July 4, 1847.

"Sir—I infer that you have been somewhat surprised at Mr. Hudson's wild statements respecting my report on the sanitary condition of York. The facts are very simple. The report was revised previously to publication by the Rev. W. V. Harcourt, Chairman of the Sanitary Committee (of which I was the Secretary, at the instance of Mr. Hudson), and eldest son of the Archbishop, and it was unanimously adopted by the Committee. No 'eminent medical men' have ventured, either publicly or privately (to myself), to impugn any one statement the report contains. Mr. Hudson's conduct is the more remarkable, as, on the 9th November, 1844, at the annual meeting of the City Council, before the annual thanks were moved to the outgoing Lord Mayor and sheriff of the city, he got up and moved 'a vote of thanks to Dr. Laycock for his able report on the sanitary condition of the city, and for his courtesy and kindness in presenting copies of that report to every member of the council. For this he conceived that gentleman was entitled to their gratitude, and all must agree that it was a most valuable document, although some had put a construction on it which the author had never intended. Dr. Laycock had been called on to report as to the state of the city with respect to drainage; and having communicated the fact that it was imperfectly supplied in that respect, he thought great public good would be accomplished by rousing attention to so important a subject.' This is a quotation from a report of the proceedings in one of the newspapers. Mr. Hudson has no knowledge of the sanitary condition of the city; he probably never visited a poor sick person in his life, unless it was at the earlier period of his career, when he was a Methodist exhorter and prayer-leader. For several years past I have visited the sick poor of York gratuitously, and without any regard to personal inconvenience. This has continually brought me into the courts and alleys of the city, and the impression left on my mind is quite opposed to that which Mr. Hudson has expressed.—Believe me, Sir, yours faithfully,

"T. LAYCOCK.

"T. Wakley, Esq., M.P."

He (Mr. Wakley) was not surprised at the strong opinion expressed by Dr. Laycock, who had paid the greatest attention to the subject, and who was naturally surprised at the denial of the statement of facts made by him.

MR. HUDSON stated, that all he had said on a former occasion was, that Dr. Laycock had taken a very exaggerated view of the subject; and he believed the facts of the case, as stated in that gentleman's sanitary report on York, could not be borne out. Since he made the observations alluded to the other night, he had directed inquiry to be made into the subject; and he should be able in a short time to place a statement on the subject before the House. He thought Dr. Laycock might have spared some of the observations which that gentleman had made with regard to him, and to his not being acquainted with the condition of the inhabitants of alleys and lanes; because he had not been in the habit of visiting the sick. He must observe, that during the period of the cholera, when others were deterred by the fear of contagion, he devoted a considerable portion of his time to the purpose of visiting and relieving those who were afflicted. The hospital committee came to him, and asked him to aid them, and he was almost the only person who dared constantly to visit the hospital. He believed, also, that his fellow-citizens would give him full credit for attention and liberality to the poor, notwithstanding the insinuations contained in the letter. The remarks on him, which he thought should have been spared, were not very fair, coming as they did from a young man of some talent, but who did not fill so prominent a station as he might wish, nor had he much practice in the city of York. The facts of the case were strictly these:—Dr. Laycock came to him and said, that he had made a sanitary report on the state of the city of York, which he should feel obliged to him to notice, in the town-council; and if in addition he would propose a vote of thanks to him for having done so, it would be a very great advantage to him, as it would greatly assist him in obtaining some office under the Board of Health. No doubt Dr. Laycock was a very deserving person; but he had not been fortunate enough to secure that share of public patronage which he seemed to think he was entitled to. It was, however, rather unjust on the part of the Doctor to have made such statements as had emanated from him; for other medical men at York, of much greater practice than Dr. Laycock, had assured him that the state of that city was not such as had been described. He had lived in that city thirty-three years, and had visited, he believed, every hovel in it; and he was sure, if there was any man in existence who knew more of the city than another, it was himself. He had taken part in several contested elections for that place, had canvassed it six times, and perhaps the House was not aware that every elector at York expected the candidate to call upon him. He (Mr. Hudson) had been round on several such occasions with the candidate to every resident voter. He did not know whether the hon. Member had ever visited York. [Mr. WAKLEY: Never.] If the hon. Member had, he might form an opinion for himself. As to the allusion made by the hon. Member to his having been a Methodist exhorter, he did not know whether the hon. Member for Finsbury thought that a disgrace or not; but he could say, that he never had had that honour. He believed the Methodists to be a body of persons who had done much public good, and should always be proud of any connexion he had had with them. He should only add, that he always took an interest, and performed his part in every measure that came within his sphere calculated to promote the welfare of his fellow-men. He supposed Dr. Laycock had written the letter to the hon. Member fancying that it would gratify the hon. Gentleman with the prospect of an opportunity of holding forth. However anxious the hon. Gentleman might be for such an opportunity, and however fond the hon. Gentleman was of talking of his medical skill, he did not pay much attention to the hon. Member's prognostics, nor mean to allow the hon. Member to exercise his functions on him. He had no favourable opinion of the hon. Member, either as a medical man or a coroner; and he should endeavour to enjoy himself and make others happy around him, and not allow himself to be annoyed by the taunts of the hon. Member, on whose good opinion he did not set much value.

Further consideration of the Clause postponed.

House resumed. Committee to sit again.

THE SPANISH DEBT.

LORD G. BENTINCK: In asking the indulgence of the House while I bring before them the claims of the Spanish bondholders, I promise that I shall not detain them one moment beyond what is absolutely necessary for the fair statement of the case. It will be in the recollection of the House that a short time ago I presented a petition, signed by the chairman and the deputy chairman of the British holders of Spanish bonds, in which they prayed for redress against the Spanish Government, and for the assistance of the House to recover their just debts; that these petitioners stated that whilst the debt of Spain amounted to 78,000,000*l.* sterling, interest on only 7,105,066*l.* had been paid, leaving a balance of 70,894,934*l.*, upon which no interest whatever had been paid. Now I am well aware that there are other creditors besides the subjects of Great Britain who are holders of Spanish bonds; but I believe there is no doubt, and I may say with confidence, that the British shareholders hold an amount equal to 46,000,000*l.*, and it is for the recovery of that sum, on behalf of British subjects, that I now present their plea to this House. It will be my duty to show, in the first instance, that these creditors have justice on their side; and having proved that their debts are just, it will be my duty to show that these creditors, in seeking reparation, are justly entitled to the interposition of the British Government. I think I shall have no difficulty in showing that by the laws of nations from time immemorial it has been held that the recovery of just debts is a lawful cause of war, if the country from which payment is due refuses to listen to the claims of the country to whom the money is owing. I think I shall be able to show not only that this opinion has ever been held by all the greatest jurists on the law of nations; but will also be enabled to show that such has been the practice of different nations of the earth, and also that it has been practised in various instances by this country, from the time of George II. up to the Peace of Paris, and in later times, in 1839 and 1840, as regarded the claims of this country upon Portugal, and upon several of the South American States. But it will not be sufficient that I should show the House that the claims of British subjects on the Government of Spain are not only just—it will not be sufficient that I should show that by the law of nations they are entitled to enforce the payment of the debt and to call upon the Government to do so—but I must show that it would be prudent in the Government to make the demand, and that Spain is in a condition, if she be willing, to pay her debt. It is alleged by the petitioners that Spain is perfectly able to discharge her debt if she were willing. It was shown by those petitioners that whilst a short time ago, that is to say in 1834, the whole revenue amounted to 5,990,000*l.*, that in 1846 the revenue amounted to 12,266,353*l.*; so that the revenue of Spain within the last twelve years has nearly doubled itself, whilst her Finance Minister has shown an excess of income over expenditure of 450,000*l.*, exclusive of a sinking fund of 991,123*l.* Now, considering that the debt to foreign creditors is one which is not disputed by Spain, for her Cortes has never assembled without making an acknowledgment of the debt, and a similar acknowledgment has been made by the Finance Minister on the part of the Government, that not only has Spain the means of paying her creditors, but she has actually paid in the most liberal manner all the debts due to her own subjects, though the obligations were contracted long subsequent to the debts due from Spain to British subjects. But exclusively of the excess of revenue I have referred to, I am prepared to show that the expenditure of Spain is conducted upon the most extravagant and profligate scale; and I think, after the case is stated, no Gentleman in this House will be inclined to deny that if ever there was a case in which one country was entitled to call upon another either to pay the debts or to be subjected to measures calculated to compel payment, it is the case of Spain. The population of Spain and her colonies amounts to 15,000,000*l.*, and her gross revenue to 12,266,000*l.* Her population counts 400 individuals to each square mile, whilst Prussia, with the same number of inhabitants, counts 700 to a square mile; yet the government of Prussia is carried on, with an army the largest of any in Europe, with the exception of that of France — the government of Prussia, I say, is carried on at an expense of 8,600,000*l.*; nay, more, the sum of 1,300,000*l.* and upwards is laid aside for the payment of her debt. Spain, with her large revenue, is only paying at this time 200,000*l.* of interest on her debt—a sum equal only to about 3*d.* a head on her population. If the finances of Spain were conducted with the same frugality that the finances of Prussia are conducted, there would be a surplus of 3,226,000*l.* left, which would do more than defray the whole interest of the entire debt. But in what manner are the revenues of Spain wasted? Why, I find that the royal household, one of the most corrupt and profligate in Europe, costs 435,000*l.* a year, being upwards of 140,000*l.* a year more than the Queen of England receives. The like extravagance characterizes all the other sources of expenditure. The expense of the Finance department is 3,527,751*l.*, the Minister of Grace and Justice 187,882*l.*, the Foreign Minister 102,132*l.*, the Home Department 1,226,104*l.*, the Ministry of War 3,223,340*l.*, the Legislative body 11,423*l.*, the Ministry of Marine 884,226*l.*, the Clergy 1,254,954*l.*; and so on with the others. And here it will be in the recollection of the House, that whilst Spain refuses to pay the interest of her just debt, we have learned from the blue book so lately before us, that Spain has been able to advance 60,000*l.* as a loan to the Court of Portugal; and, to show how wanton she is in her wealth, she has spared an army of 15,000 men to interpose in the internal affairs of that country; so that if there be any country which could have a claim to mercy it is assuredly not Spain. Had she been in a pauperised state, like Portugal—had she been in a bankrupt state, then as it is preposterous to sue a bankrupt, so it would be imprudent to take means to compel the payment of a debt by a bankrupt State. But since I have shown that Spain has not only an ample income, but that, after paying all her extravagant expenditure, there remains 420,000*l.* of surplus, and 991,000*l.* of sinking fund, there remains nothing of any sort to justify Spain in withholding payment of her debt. The expenditure of Spain amounts on the whole to 11,483,771*l.*, and with the 422,581*l.* of excess of revenue, makes her entire income 12,266,000*l.* Now, it has been laid down by all the jurists that among the legal causes of war is that of the refusal by one State to pay the just claims of another. Grotius, in Book III., c. 1, states the following causes of lawful war:—

> "By the law of nature I have a right to take from any one what he has of mine, and if this cannot be easily effected, I may take what is equivalent to it; and this I may do for the recovery of a debt. And in those cases I become proprietor of what I have taken, because there is no other way of redressing the inequality that was to my disadvantage. But as often as one thing is to be taken for another, or the goods of a debtor to be seized for a debt, a demand is requisite; much more when the goods of subjects are to be seized for the debt of the Prince, whereby it may appear we have no other way to recover our own or our debt but by war. So a Sovereign ought not to be attacked either for the debts or offences of his subjects, till satisfaction has been demanded, the denial of which puts him in the wrong."

And Vattel says, in Book III., c. 3, that the objects of lawful war are—

> "1. To recover what belongs or is due to us.
> "2. To provide for our future safety by punishing the aggressor or offender.
> "3. To defend ourselves or to protect ourselves from injury by repelling unjust violence."

I have shown that there is no dispute about the debt. It has been acknowledged by the Cortes, by each Finance Minister, and by each succeeding Government. The right of seeking reprisals or of waging war, has been held and acted upon for the recovery of just debts long before the days of Grotius or Vattel. The Romans practised a part of the form used against the enemy. It was said by the Roman herald when declaring war, "That they neither gave, paid, nor did what they ought to have given, paid, and done." And Seneca declares, "It is a very equitable saying, and founded on the law of nations, 'Pay what you owe.'" It is for the reasons I have urged that I call upon Her Majesty's Ministers to insist upon Spain paying her debt; and I rejoice to see my noble Friend in his place, and I rejoice also that the discussion will take place in the presence of the noble Lord the Minister for Foreign Affairs. But with the view of removing a prejudice which I understand exists on the subject, I will call the attention of this House to the testimony which history gives on the question at issue; and it amounts to this, that it has been the practice of English Governments in all times past to adopt forcible means to compel other nations to make good their financial engagements. The Government of Sir Robert Walpole endeavoured to pass a Bill rendering it illegal to lend money to foreign countries without the consent of Government; but the Government of that Minister, powerful as it was, was forced to mitigate the proposition. It was alleged by the Members of the House of Commons that the trade in money was as legitimate a branch of enterprise on the part of British subjects as any other branch of merchandise; and in consequence of this opinion Sir Robert Walpole was obliged to limit the operation of his Bill to two years, and to restrict it to a particular object. And what was done in the case of the loan which was made to the Emperor? It amounted only to 80,000*l.*, and was advanced on the security of Silesia. Silesia in course of time was transferred to Prussia, and the King refused to pay the interest; but the King of England remonstrated with him on the subject. The Duke of Newcastle, who was the Minister of that day, took the opinion of the law officers of the Crown, who reported that the King of Prussia had pledged his royal word to pay the Silesian debt, and ought to be compelled to make good his engagement. Now, let the House bear in mind that the debt was not due to the Government, but to private individuals. The Duke of Newcastle enforced the obligation to pay the debt in the following letter:—

"THE DUKE OF NEWCASTLE TO MR. MITCHELL, THE KING OF PRUSSIA'S SECRETARY OF EMBASSY.

"Whitehall, February, 8, 1753.

"Sir—I lost no time in laying before the King the memorial which you delivered to me on the 23rd November last, with the papers that accompanied it.

"His Majesty found the contents of it so extraordinary that he would not return an answer to it, or take any resolution upon it, till he had caused both the memorial and the Exposition des Motifs, &c., which you put into my hands soon after, by way of justification of what had passed at Berlin, to be maturely considered; and till His Majesty should thereby be enabled to set the proceedings of the Courts of Admiralty here in their true light; to the end that his Prussian Majesty and the whole world might be rightly informed of the regularity of their conduct; in which they appear to have followed the only method which has ever been practised by nations, where disputes of this nature could happen; and strictly to have conformed themselves to the law of nations, universally allowed to be the only rule in such cases, when there is nothing stipulated to the contrary by particular treaties between the parties concerned.

"This examination, and the full knowledge of the facts resulting from it, will show so clearly the irregularity of the proceedings of those persons to whom this affair was referred at Berlin, that it is not doubted, from his Prussian Majesty's justice and discernment, but that he will be convinced thereof, and will revoke the detention of the sums assigned upon Silesia; the payment of which his Prussian Majesty engaged to the Empress Queen to take upon himself, and of which the reimbursement was an express article in the treaties by which the cession of that duchy was made.

"I, therefore, have the King's orders to send you the report made to his Majesty upon the papers above mentioned, by Sir George Lee, Judge of the Prerogative Court; Dr. Paul, His Majesty's Advocate General in the Courts of Civil Law; Sir Dudley Ryder and Mr. Murray, His Majesty's Attorney and Solicitor General. This report is founded on the principles of the law of nations, received and acknowledged by authorities of the greatest weight in all countries; so that His Majesty does not doubt but that it will have the effect desired.

* * * * *

"Sixthly—That even though reprisals might be justified by the known and general rules of the law of nations, it appears from the report, and indeed, from considerations which must occur to everybody, that sums due to the King's subjects by the Empress Queen, and assigned by her upon Silesia, of which sums his Prussian Majesty took upon himself the payment, both by the Treaty of Breslau and that of Dresden, in consideration of the cession of that country, and which, by virtue of that very cession, ought to have been fully and absolutely discharged in the year 1745, that is to say, one year before any of the facts complained of did happen, could not, either in justice or reason, or according to what is the constant practice between all the most respectable Powers, be seized or stopt by way of reprisals.

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"It is material to observe upon this subject, that this debt on Silesia was contracted by the late Emperor Charles VI., who engaged not only to fulfil the conditions expressed in the contract, but even to give the creditors such further security as they might afterwards reasonably ask. This condition has been very ill performed by a transfer of the debt, which has put in the power of a third person to seize and confiscate it.

"You will not be surprised, Sir, that in an affair which has so greatly alarmed the whole nation, who are entitled to that protection which His Majesty cannot dispense with himself from granting, the King has taken time to have things examined to the bottom, and that His Majesty finds himself obliged by the facts to adhere to the justice and legality of what has been done in his courts, and not to admit the irregular proceedings which have been carried on elsewhere.

* * * * *

"The King is fully persuaded that what has passed at Berlin has been occasioned singly by the ill-grounded informations which His Prussian Majesty has received of these affairs; and does not at all doubt but that when His Prussian Majesty shall see them in their true light, his natural disposition to justice and equity will induce him immediately to rectify the steps which have been occasioned by those informations, and to complete the payment of the debt, charged on the duchy of Silesia, according to his engagements for that purpose.—I am, &c. &c.

"HOLLES NEWCASTLE."

The King of Prussia listened to the remonstrance, and the debt was paid. But Prussia observed the same rule in regard to other nations as the King of England had adopted towards her. I might enumerate the demand which was made by Frederick William on this very same country of Spain, and many other instances where debts were enforced under pain of compulsory means; but I will not weary the House with them; allow me, however, to remind the House of the case of this country as regarded France. It is known to all who hear me that the property of British creditors in the Funds of France were, during the reign of Napoleon, forfeited; but in the Treaty of Paris, the greatest pains were taken to secure the payment of the debts thus forfeited. If the treaty itself be referred to, it will be found that by the 18th, 19th, and 20th Articles, the British Government made it a part of the conditions of peace that a commission should be forthwith appointed, and that all British subjects who held stock in the French funds should be paid up with interest thereon. Therefore there is no pretence for saying that this country was not in the practice of interfering in such matters; for we see that since the period of 1830, down to the Peace of Paris in 1814, we have uniformly maintained the right to enforce the payment of just debts due to British subjects. It has been alleged by some parties, that the Spanish bondholders had put themselves out of court because they had lent their money with their eyes open, at a rate of interest sufficient, as they thought, to cover all the risks. This, however, is not the case; for it can be shown that the larger portion of the debt was contracted for at the rate of 65*l.* for every 100*l.* of stock; whilst the debt contracted by England from 1803 to 1814 was at the rate of 60¾*l.* for every 100*l.* of Three per Cent Consols. Therefore, so far as the price is concerned, there is nothing to show that there was any apprehension on the part of the lenders that they were running the risk of having their rights neglected by the Government who received their money. But I come now to a later period—to the claims of the British Legion, and of the British auxiliary force in Portugal, the Duke of Wellington, and others. In these cases, the matter was taken up by my noble Friend in a manner which became a Minister of this country. In the case of the Legion, the debt was contracted by a Government not then in office; but the debt was assumed by their successors. But as regarded the auxiliary force, and the claims of the Duke of Wellington and other most gallant officers, what was the language made use of by my noble Friend? Why, he demanded payment of the principal and of all the interest; and when hesitation was displayed, my noble Friend intimated that he would compel payment to be made. My noble Friend, for reasons which he assigned to the House on a former occasion, declined to lay the whole correspondence before the House; but since then I found an antiquated document which contains the notifications which were made to the Portuguese Government. The *Times* of November, 1840, contains the notifications of Lord Howard de Walden of the 4th and 17th of January; and I will read a few extracts, to show the kind of language which the noble Lord made use of:—

"The undersigned has therefore been instructed to propose to the Government of Her Most Faithful Majesty a convention for the settlement of these claims, a draught of which he has the honour to enclose; and to declare to the Government of Her Most Faithful Majesty, that solely in the event of the proposed convention being agreed to without delay, will Her Majesty's Government be satisfied.

"There being, therefore, no question involved in the consideration of the proposed convention which requires any length of time for decision, the undersigned is instructed to declare, that unless he is able to return the proposed convention ratified within a fortnight, Her Majesty's Government will proceed to take such steps as may appear to them to be proper for the purpose of obtaining redress, after having so repeatedly and earnestly, though in vain, claimed it from the Government of Portugal."

This energetic language had the desired effect. The Portuguese Government conceded the just claims of the parties, and paid interest as well as principal. The principal amounted to 296,407*l.*; the interest came to 45,348*l.*, making a total of 341,755*l.* Of this sum the British Government received 160,958*l.* But this interference did not stop with Portugal. My noble Friend adopted the same course with respect to the South American States of Venezuela and New Grenada; and what was the language which was held in reference to the debts due by these States? Was it held then that British subjects had lent their money at their own risk, and were not entitled to the protection of their own Government? Far from it. The language held was as follows:—

"British Legation, Caraccas,
May 1, 1840.

"Sir—I have the honour of informing you, that by the mail which reached La Guayra yesterday afternoon from England, I received a despatch from Viscount Palmerston, directing me to afford all the support in my power to the representations made by the agents in Venezuela of the British bondholders to the Venezuelan Government, and urge that Government to furnish its representative in London with such authority as may enable him to conclude a satisfactory arrangement with the bondholders.

"His Lordship adds:—'It is plain that so much of the public revenues of the States of Columbia as is equal to the interest of their debt to their creditors, does not, in fact, belong to those States, but has been virtually alienated by them, by the contract under which the loan was raised; therefore those States are defrauding the British creditors by applying to the public service of the Columbian States sums which, in fact, belong to the British creditor.

"'The interest due to the British creditors should be deducted from the gross revenues of the States, and the residue only is the real revenue those States have any right to apply to their own uses.

"'If that revenue is not sufficient for the service of the State, the State ought to levy on its own people a larger contribution; but it has no right whatever to make up a deficiency so arising by misapplying to such a purpose the interest which justly and legally belongs to the British creditor.'

"His Lordship goes on to inform me, that he has addressed a note to the above effect to Mr. Fortique, the Veneuelan Minister at the Court of London; and therefore he instructs me to repeat to the Venezuelan Minister for Foreign Affairs the hope of Her Majesty's Government that the Government of Venezuela will not, by longer perseverance in the injustice which has hitherto been committed against the British bondholders, bring on a state of things which will compel Her Majesty's Government to interfere in a more active manner to obtain redress for Her Majesty's subjects.

"I deem it my duty, therefore, in consequence of the very unexpected arrival of the mail from England, again to address you on the subject, notwithstanding that there has not been time for me to receive an official answer to my despatch to you, inclosing my representation to the President of the Republic by the bondholders' agent here on the actual state of their affairs with Venezuela.

"I beg leave most strenuously to recommend that such instructions may be sent to Mr. Fortique as will enable him to meet fully, and therefore satisfactorily, the propositions made on the part of the chairman of the committee of bondholders, and that they may be transmitted by the returning packet to England.

"I have the honour to remain, &c.

(Signed) "ROBERT KERR PORTER."

That of Mr. Pitt Adams to New Granada is to a similar effect:—

"The undersigned, acting in conformity with instructions from his Government, reclaims from that of New Grenada that it shall continue scrupulously to collect, and faithfully to present, without touching them, all the funds destined by law for the payment of the interest on the foreign debt, which funds are undoubtedly the legal property of Her Majesty's subjects. He considers the time is now arrived when it is necessary for him to declare that the Republic of New Grenada, and all such individuals living within it, who, from whatever combination of circumstances, may be entrusted with authority, shall be responsible to the Government of Her Majesty for the legal application of all sums appropriated by the laws of the country, to the payment of the British creditor.

(Signed) "WILLIAM PITT ADAMS."

The facts I have adduced show that the law of nations, the practice of nations, but, above all, the practice of this nation, and of the noble Lord who is at the head of the Foreign Affairs, concur in showing that it is the duty of this country to interpose her authority where prudence demands it, to obtain justice for the subjects of this country, whether their claims be for property confiscated, or for money lent by the subjects of England. And now it only remains to be asked whether the debtor is in a position to pay the debt if recourse be had to force; and also, whether circumstances render it prudent to adopt such a course? Well, how does the matter stand? I have shown to you that, with a population not greater than that of Prussia, with an army greatly inferior, Spain spends 3,000,000*l.* every year more than Prussia does. I have shown to you that, in point of fact, the Queen of Spain's household squanders a good deal more than suffices for the Queen of England, whose sceptre includes 130,000,000 of people. Well, now for the prudence of risking the alternative of force as a means of compelling payment. The army, although nominally consisting of 115,000 men, is most wretchedly appointed. Besides, she possesses the rich island of Cuba, and the valuable colony of Porto Rico, which would enable her to pay the whole interest due to her creditors of this country. I find that the population of Porto Rico has risen, in 1845, to 350,000 souls, and that the number of slaves is 45,000; that its revenue has risen from 72,450*l.* in 1823, to 700,000*l.* in 1845; and that its exports (of sugar, coffee, tobacco, cocoa, and cotton) amounted, in 1834, to not less than 938,000*l.* In Cuba, too, the same wealth and prosperity reign. The population of Cuba consisted, in 1775, of 95,419 whites, 30,616 free mulattoes, &c., and 44,336 slaves, making a total of 170,370. But, in 1825, these numbers had more than quadrupled, for they then amounted to 311,051 whites, 106,497 free mulattoes, &c., and 286,942 slaves, in all a total population of 704,490. The public revenue of Cuba was, in 1845, 1,562,500*l.*, which added to the revenue of Porto Rico, which, in the same year, amounted to 700,000*l.*, would leave their joint income no less than 2,262,500*l.* The debt due from Spain to British holders amounts to about 46,000,000*l.*, the interest on which, at 3½ per cent., is 1,610,000*l.*; and this sum deducted from the total revenue of Cuba and Porto Rico alone, would leave a surplus income to Spain from those sources of 652,500*l.* The annual value of the produce of the island of Cuba is about 9,300,000*l.*, whilst the revenue of Havannah alone increased in twelve years, viz., from 1815 to 1827, from 1,726,963 dollars to 4,383,262 dollars. Here, then, is wealth to repay the whole debt due by Spain to British bondholders. Now, as the whole Spanish navy only amounts to three ships of the line, five frigates, and twenty sloops, brigs, and smaller vessels of war, so far as the prudence of the case goes, I think the most timid Minister need not be under any apprehension that, whatever course was taken, there would be any very effective resistance on the part of Spain. I think, then, I have shown that there is capability on the part of Spain, and that it only requires the application of an energetic system on the part of the noble Lord to show her the necessity of placing herself in a position to pay her debts. Let the House look at the capability of Spain. In 1780, in the reign of Charles III., her customs' duties gradually advanced to 2,000,000*l.* sterling, and they have now retrograded to 500,000*l.* a year. Now, I have already observed that the whole contribution of the Spanish people to the payment of the foreign debt of their country amounts only to 200,000*l.* a year, being only about 3*d.* a head; and seeing what is the capability of Spain, I must be allowed to add that if ever there was a country entitled to call upon another to pay her just debts, it is unquestionably England that has a right to make such a call upon Spain—England, who has never hesitated to act up to the full amount of her obligations—whose honesty has never wavered—who pays 20*s.* in the pound for every thing she borrows, and has given 100*l.* in gold for every 60*l.* she has received—and who has delivered Spain from the tyranny of Napoleon. All we ask from the Spanish people is, that they shall be content to pay a sum of money equal to 3*d.* per head on the population of Spain. But here I cannot pass over this part of the subject without showing the way in which Spain has dealt with her home creditors, as compared with the manner in which she has treated her foreign creditors; how she has paid the interest due to the one, to the neglect and injury of the other. Spain owed many of her citizens debts arising out of contracts, &c., made during the civil war. These she has just paid in three per cent stock, taken in discharge of the debts at 40 per cent, or little more than the market price of the day; so that for 100*l.* due in cash, the creditors received 250*l.* three per cent stock. But this same Spain, a few years back, when she capitalized the arrear dividends of her foreign creditors, gave them, for 100*l.* due in money, but 100*l.* three per cent stock, the market value of which at the time was about 23*l.* 5*s.* per cent cash." So that there never was a grosser injustice than that of which Spain has been guilty towards her foreign creditors. Sir, since I first gave notice of this Motion, I have received very many letters from unhappy victims of Spanish bad faith. I stand not up here as the advocate of the great loan-mongers of the city; my sympathies are not with them, whether circumcised or uncircumcised—but my sympathies are with the widow and the orphan—and with those veterans of the British service, who having fought for Spain, have invested the earnings of their lives in the funds of that country. I stand here as the advocate of what I believe to be the weakest, the most neglected, and the most helpless of the people of this country. I have not been visited, or applied to by the Aguados, the Ricardos, or the Rothschilds; and, even if they are losers, I should not much sympathize with them; but I fear it is the humblest and the weakest class in this country that have been the worst sufferers by the bad faith of Spain. My sympathies are arrayed with that class; one of whose letters—for it is short, and far more impressive and affecting than anything I can say—I will take the liberty, before I sit down, of reading to this House, the Members of which, I cannot but feel, will, when they shall hear it, look upon the letter as rather addressed to themselves than to me. It is, Sir, a letter from one of that class which ever must have the sympathy of this House, an old half-pay commander of thirty years' standing. The noble Lord, then, with much feeling, read the following letter :—

"My Lord — Although, God knows, I have little more to lose, I cannot resist thanking your Lordship for advocating, in the House of Commons, the claims of the hapless Spanish bondholders. My story is soon told. It is a short one, but it is that of hundreds, I am informed. Five thousand pounds, the whole saving of a professional life, won during thirty years of hard service in every quarter of the globe, was in a fatal hour, in 1836, invested in Spanish bonds, the interest of which has been stopped for upwards of seven years. My wants, and having a family of eight to be kept and educated on my half-pay, has compelled me, time after time, to sell, or rather give away, the whole, so that, however the matter goes, I have nothing to gain; yet, for the sake of a brother officer, who has a large family like myself, and who still holds his stock, I shall rejoice if your Lordship should be successful in forcing the Spanish thieves to pay; although, when I look on my own portionless children, my joy will be turned into sorrow. I often wish I had fallen in one of those fierce encounters it has been my lot to live through. Many a Spanish life have I saved, and this is my reward! I dare not think of it—for a frenzy seizes me—and I long to be again on the quarter-deck with a Spaniard alongside; but my arm is too old and powerless now—there is nothing sound left but the heart, and that goes with your Lordship in this kind, humane, and generous undertaking, though I fear your Lordship will find that the words of these Spaniards are as worthless as their bonds.—I am, my Lord, your humble servant,

"A COMMANDER OF THIRTY YEARS' STANDING."

Sir, my appeal to this House to-night is, that it will exercise that duty which becomes every civilized State—the duty of protecting the interests of its humblest subjects; and, in conclusion, I call upon it to make these words good, and Spanish bonds of more worth, in spite of the dishonesty of the Spanish nation. The noble Lord concluded by moving—

"That an humble Address be presented to Her Majesty, praying Her Majesty to take such steps as Her Majesty may be graciously pleased to deem advisable to secure for the British holders of unpaid Spanish Bonds redress from the Government of Spain."

VISCOUNT PALMERSTON: Sir, I am not going to state any material difference of principle from the opinions which have been expressed by my noble Friend, although I certainly differ from him in the application—as to the degree in which he proposes to the House to enforce his principles; and, if they were to be enforced, I should differ from him as to the limited application of them which he contemplates. My noble Friend has quoted passages from the law of nations, laying down the doctrine that one Government is entitled to enforce from the Government of another country redress for all wrongs done to the subjects of the Government making the application for such redress, and that, if redress be denied, it may be justly obtained by reprisals from the nation so refusing. I fully admit to this extent the principle which my noble Friend has laid down. At the same time, I am sure the House will see that there may be a difference and distinction drawn in point of expediency and in point of established practice, as to the application of an indisputable principle to particular and different cases. Now, Sir, if the Government of Spain had, we will say for example, violently seized the property of British subjects, this country being on terms of amity with Spain under treaties, no man will for a moment hesitate in declaring that it would be the duty of the Government of Great Britain to enforce redress. In the same manner, in any transaction that is founded on previous compacts between two Governments, in any transaction that is founded on the previous sanction of the Government whose subject is the complainer—in any case of that sort it has been the practice of Great Britain to demand and insist upon redress.

Again, if any act of injustice in the prosecution of trade and commerce be inflicted on British subjects, there can be no question as to the course which the Government of this country ought to pursue. But there has always been drawn a distinction between the ordinary transactions of British subjects with the subjects of other countries, and the transactions of British subjects with the Governments of other countries. When a British subject engaged in trade with the subjects of a foreign country sustains a loss, his first application is to the laws of that country for redress. If those laws are not properly administered in his case, then the British Government steps in and dmands either that the law shall be properly dealt out, or that redress shall be given by the Government of that State. It is to the advantage of this country to encourage commercial dealings with foreign countries; but I do not know that it is to the advantage of this country to give great encouragement to British subjects to invest their capital in loans to foreign countries. I think it is inexpedient, for many reasons, that that course should be pursued. It exposes British subjects to loss from trusting Governments that are not trustworthy; and if the principle were to be established as a guide for the practice of British subjects, that the payment of such loans should be enforced by the arms of England, it would place the British nation in the situation of being always liable to be involved in serious disputes with foreign Governments upon matters with regard to which the British Government of the day might have had no opportunity of being consulted, or of giving an opinion one way or the other. If British subjects came to the Government of this country and said, "We are disposed to deal with a foreign State, will you compel that State to make good its engagements, should it fail in doing so?" Then, if the British Government were to say in reply, "We will give the undertaking you require;" and if afterwards the foreign State should fail to fulfil its engagements, there could be, undoubtedly, no question as to the course which the British Government should take. That question has been more than once put to the Government of which I am a Member, and my reply always was—"If you choose to advance your money, you do it at your own risk; but you are not to expect, if the Government to whom you lend your money fail in its engagements, that England, as a country, will interpose to obtain for you redress. I am bound to say that the prudence of the parties who put the question to me has been on all occasions such that no contract has followed the answer that I have given. Still, Sir, I do not deny the doctrine of the noble Lord, setting aside the question of expediency, putting out of view the question whether it is politic or not for the British Government to undertake such an obligation. My opinion is, that it is not wise so to do; but I am not disposed to question the doctrine, that as a matter of strict right the English Government would be justified in demanding of any foreign Government to make good its engagement with a British subject, whatever that might be, and that failing to obtain redress, it would be entitled to take the steps that my noble Friend points out to enforce such redress. I cannot, however, think that it would be expedient in the present state of the transaction to impose on Her Majesty's Government the duty which my noble Friend wishes us to undertake. I am, however, quite sensible of the great importance of this question to a vast mass of Her Majesty's subjects. These debts are owing to them to an enormous amount. They have been contracted, as my noble Friend states, not merely with a few great capitalists, whose losses I should not, however, see with the same complacency and indifference with which my noble Friend says he should view them—perhaps the smallness of their number might make my noble Friend look upon them with more philosophic calmness than I could—but with an immense number, a vast number of persons of most limited and contracted means—men who, as he states, have invested the small savings of an industrious life, or the small remains perhaps of dilapidated fortunes, some no doubt as a speculation, being tempted by the high rate of interest promised them, but a great number really acting from generous impulses resulting from having seen those countries struggling in difficulties, or engaged in conflicts for that liberty which we enjoy. I am persuaded that besides the inducement of high interest, there have been generous and good feelings operating upon a great number of the persons who have advanced their money in these loans. And, Sir, that undoubtedly adds to the baseness of the Governments who have broken their engagements, and never fulfilled their pledges. I cannot, Sir, retract that expression, because there is hardly one Government indebted in this manner to British subjects, which might not have paid, if not the whole, at least some portion of the interest upon the debts which they have contracted. They go on squandering their resources, and allowing their revenues to be plundered and pillaged in the collection, even allowing the members of the Administration to amass fortunes for themselves by the misapplication of the public funds. One half of their revenues which is collected is misapplied on its way to the treasury; and the greater part of the other half goes to illegitimate purposes, unconnected with the interests of the country; and then they come, in the form of paupers, and tell us they are unable to meet their engagements. The South American States, or some of them, may for a time have been really unable to meet their engagements; and I believe that Spain during a portion of the civil war was in difficulties which justified her demands for forbearance. Spain, however, is no longer in that condition. The public income of Spain has been nearly doubled in the last ten years: but why is it not larger? Because Spain chooses to persevere in a system of commercial restriction and exclusion, by means of which she herself positively makes her revenue inadequate to meet her engagements. Because Spain, at this day, in spite of all the experience and the example of other countries—in spite of all the lessons which have been read to her—in spite of all the discussions and debates which have taken place all over the world—goes on shutting her eyes to facts and her ears to reason. Because Spain, in spite of all these lessons, goes on excluding and prohibiting a great portion of the commerce which would otherwise naturally flow into her ports. I believe I am not at all exaggerating the fact—for I have heard it within a very short period from a person well acquainted with what he spoke about—when I say that there are in Spain 130,000 persons professionally employed in smuggling. This is a monstrous thing; but I cannot disbelieve the fact, from the way in which it was stated to me. There are also about 12,000 or 15,000, perhaps 20,000 men employed professedly in watching the smugglers. Thus there are about 150,000 of the population of Spain employed, one way or other, in contraband trade. Here, then, is a great portion of their own active people, the best of the population, who, if employed in productive industry, would be most valuable instruments in adding to the public wealth. They are, however, employed in that legitimate branch of commerce which is assigned to the province of distribution. They are the distributors of commerce; and then, Sir, when the Spanish Government is urged to abolish these prohibitions, and permit the commodities which are so smuggled to come in, they say, "We are unable to do it, because we must give protection to native industry!" But this native industry which they protect is really nothing but the industry which I have been describing; because, as to Spanish manufactures, the simple fact is this, that a great part of the manufactures which are so smuggled into Spain—a great part of the cottons and the silks which are said to be produced by the industrious artisans of Catalonia and other provinces—are introduced by three or four houses in Barcelona, great smugglers—capitalist smugglers—who regularly receive from Manchester and from Lyons cottons and silks of good English and French manufacture, irregularly stamped with Spanish marks, which are afterwards thus distributed as the produce of Spanish industry. Spain, therefore, loses all the revenue which she might derive from levying moderate and proper duties upon the commodities now so smuggled in; and no industry of any sort or kind is protected or encouraged, except industry in smuggling, which tends to demoralise the population, and engender habits of contempt for the law—which makes the man who engages in smuggling to-day, to become a robber to-morrow—which leads one day to the carrying of contraband goods into the mountains, and the next to carry off the unoffending passenger into the same mountains in order to divest him of his property. This is the state of Spain, and these are the principles of her commerce by which she voluntarily sacrifices a large annual income—an income more than sufficient to satisfy all her foreign creditors, if it were received—for no other earthly objects than those I have just described. I am afraid, however, that the endeavours which the British Government has from time to time made to persuade the successive Governments of Spain to alter this most foolish and absurd system, have in no small degree been counteracted by influences coming from other parts of the world. I am bound to say that I believe the successive Governments of France have from time to time opposed obstacles to any plan for liberalizing the commercial system of Spain. A most unfounded jealousy has produced those obstacles. The changes which we desire would be just as advantageous to France as they would be to England; in point of fact, I really do not believe that the commerce of England would gain much by any change, because trade will find its way; where a demand is, there will be found a supply. And if Bonaparte, in the plenitude of his military power, was not enabled by the Milan and Berlin decrees to prevent the introduction of British commodities into the Continent, it is not to be supposed that a Government like Spain, so weak in its centre of action, and so perfectly impotent in its circumference, can be expected to carry the excluding decrees of its existing law into full and complete execution. But, Sir, I should hope that the Spanish Government would be induced, by a regard for its own interest, to sweep away these absurd prohibitions, and thus place itself in the receipt of an increased revenue, which would enable it, without any difficulty whatever, to pay off the foreign debt (if there be any difficulty now, which I do not believe), and do justice to the claims of its British creditors. I confine not what I say to the Government of Spain; because though the Motion of my noble Friend is limited in its application to the debts due by that country, in principle it applies to the other debts—and they are multitudinous—which are due from other States. From the statements which my noble Friend has read, it appears that in point of fact these debtor States are applying to their own use, and calling it the public service—but which I should say was a misapplication and malversation incident to their organization—that which is not their property to be so applied. There can be no doubt that the interest of these debts no longer belongs to them. They are only receivers in trust for the foreign creditor, and they have no right to apply one farthing of that amount to any service of their own, however urgent that service may be. They ought to pay the interest upon their debts first, and then see what remains; and if that is not sufficient, they must lay on fresh taxes, to provide what their public service requires. I think that is a doctrine indisputably true, and I should hope that the discussions in this House, and the opinions proclaimed in public, would bring those Governments, in proportion as they become more settled, to see that not only their honour, but even their interest, requires them to make good their solemn obligations. It must be admitted that many of the South American States have been in a state of internal confusion, which has afforded some excuses for their neglect of an indisputable obligation. I remember talking one day with a very intelligent citizen of one of the States in the North American Union, who made an observation which I believe to be as perfectly true as it is undoubtedly striking. "The difference," he said, "between us who belong to the United States, and the South American States, is just this—they settle all their disputes by the cartridge-box, whilst we settle ours by the ballot-box. We," he added, "think the latter is an infinitely less troublesome and more convenient method of adjusting our various differences, because it leaves us at liberty to mind our domestic affairs." I am happy to say that I believe the South American States are beginning to leave off the cartridge-box. Some of them have set a very good example to the others, by paying what is due from them, and I hope the rest will soon follow it. And if a good example is set by those who hitherto have been in the habit of dealing with the cartridge-box, I should hope it would not be lost upon those who deal with the ballot-box. But the northern American States, who really are able to pay, and who have no excuse whatever for not paying—who have no internal revolution, no military dictator, no civil war to justify their breach of faith—I should hope would not wait for the example of their southern brethren, but would themselves wipe from their history that blot which must be considered a stain upon their national character. I do not differ from my noble Friend, as far as this goes; and if it were the policy of England—the wise policy of England—to lay down a rule that she would enforce obligations of a different kind, I think we should have a fair and full right, according to the laws of nations, to do so. My noble Friend instanced the cases in which compensation had been made to British subjects at the Peace of 1814 for property which had been confiscated during the war, and the cases in which Her Majesty's Government had required from the Government of Portugal payment of the sums due to the Duke of Wellington, Marshal Beresford, and a certain number of other creditors; but I think it right to state there is a wide distinction between those cases and the cases which are the subject of the present discussion.

My noble Friend will find that Lord Castlereagh, in announcing the conditions of the Treaty of 1814, distinctly made it known that compensation had been exacted, because by a prior treaty the French Government had not been at liberty to make the confiscation. On that account compensation was exacted; but Lord Castlereagh warned the public that if in future, without the previous sanction of the Government, they invested their money in the French funds, and confiscation followed, they must not look for similar interposition on the part of the British Government. In the case of the Duke of Wellington and Marshal Beresford, there had been the previous sanction of the British Government. The employment of those officers by the Government of Portugal was in pursuance of a previous consent given by the Government of England; it was an engagement contracted between the Governments of Portugal and England. There were, therefore, special reasons why the British Government was entitled to call upon the Government of Portugal to make good its engagements. In saying this, however, I do not mean in any way to qualify or do away with the assent I have given to the general principles advanced by my noble Friend. Although I entreat the House, upon grounds of public policy, not to impose at present upon Her Majesty's Government the obligations which the proposed Address would throw upon them, yet I would take this opportunity of warning foreign Governments who are the debtors to British subjects, that the time may come when this House will no longer sit patient under the wrongs and injustice inflicted upon the subjects of this country. I would warn them that the time may come when the British nation will not see with tranquillity the sum of 150 millions due to British subjects, and the interest, not paid. And I would warn them that if they do not make proper efforts adequately to fulfil their engagements, the Government of this country, whatever men may be in office, may be compelled by the force of public opinion, and by the votes of Parliament, to depart from that which hitherto has been the established practice of England, and to insist upon the payment of debts due to British subjects. That we have the means of enforcing the rights of British subjects, I am not prepared to dispute. It is not because we are afraid of these States, or all of them put together, that we have refrained from taking the steps to which my noble Friend would urge us. England, I trust, will always have the means of obtaining justice for its subjects from any country upon the face of the earth. But this is a question of expediency, and not a question of power; therefore let no foreign country who has done wrong to British subjects deceive itself by a false impression either that the British nation or the British Parliament will for ever remain patient under the wrong; or that, if called upon to enforce the rights of the people of England, the Government of England will not have ample power and means at its command to obtain justice for them.

MR. HUME had heard with great gratification the able speech of the noble Lord. He rose, however, to ask the noble Lord opposite (Lord G. Bentinck) who had introduced the question, to adopt in good earnest the lesson in free trade which the noble Viscount had just read to him. The Protectionists had too long been following the unwise course taken by Spain, and by that means done all in their power to check the industry of England. He asked, however, no more from the noble Lord than to take into his consideration the prudent, wise, and proper course which had been sketched out by the noble Viscount. He approved highly of the sentiments just delivered to the House; for he had always thought that if foreign States became debtors to British subjects, those subjects had a perfect right to claim the protection of the British Government. He trusted the terms used by the noble Viscount would have their proper effect on some of the States of the North American Union who were indebted to this country. He had always taken deep interest in the United States of America. He thought he perceived in them a rising prosperity from the policy of a wise and honest Government; but he was sorry to observe, in later years, that notwithstanding all the means which they had to satisfy all their creditors, they had allowed their claims to fall into arrear. The United States had thus lost the high character which they once held; but he trusted the sentiments of the noble Lord would reach them, and that ere long their credit would be redeemed.

LORD G. BENTINCK: After the tone taken by my noble Friend, I am sure there will be nothing left to be wished for by the Spanish bondholders. In the language of my noble Friend, coupled with the course he has adopted upon former occasions as regards the payment of British subjects by Portugal and the South American States, the British holders of Spanish bonds have full security that he will in other cases exercise the same energy when the proper time arrives to have it exercised, in the case of other subjects of the Crown. Such an intimation has been given in the tone and language of my noble Friend to the Spanish nation; and I doubt not they will set themselves to work with very little loss of time themselves to do justice to the foreign creditors of Spain.

MR. BORTHWICK was sure the speech of the noble Lord would be more effectual than the sending of an army to enforce the rights of British subjects. Within about fourteen years the Government of Spain had received two hundred and seventy millions of money from the sale of church property; and, notwithstanding that so large a sum had gone into their possession, they had done nothing to pay off the debts which the country had incurred. Whilst the poor creditors of Spain, in England, and elsewhere, were suffering the greatest distress, the grandees of Spain and the Princesses—Christina, for one—were rolling in wealth. He said it was disgraceful that such should be the case, considering that that wealth had been taken from the pockets of the people, who had established the dynasty of her daughter on the Throne of Spain.

SIR DE LACY EVANS said, it appeared no Spanish subject could be introduced without some little attack upon the Spanish dynasty. It was, however, certainly a consistent course for the hon. Member for Evesham to pursue, who had so long advocated the cause of the unfortunate Prince, Don Carlos. But the hon. Member must remember, though 270,000,000*l.* had been derived from the sale of church property in Spain, yet that the actual profit to the State had been very small. As far as the payment of the forces employed in Spain under his command was concerned, he must say that the Spanish Government had acted most honourably. They had fulfilled all their obligations, and every award of the Commission had been paid to the last farthing; moreover, the pensions to the widows, &c., continued to be paid with the same regularity as by the British Government.

Motion withdrawn.

PORTUGAL.

MR. HORSMAN: The noble Lord at the head of Foreign Affairs stated in his speech last night that one of the conditions made with the Queen of Portugal, the most insisted on was for a full and complete amnesty to the leaders of the insurrection. The noble Lord at the head of the Government also stated, in the course of the former discussion upon this subject, that after the Count das Antas had been taken, the amnesty had been insisted on by the British Government, and would be granted to all the leaders of the insurrection. It appears, however, from the accounts received this morning from Portugal—and I am sure the circumstances cannot be consistent with the instructions given by the noble Lord—that Colonel Wylde insisted that Das Antas and Sa da Bandeira should be specially exempted from the benefits of that amnesty. I wish to ask my noble Friend whether that is the case?

VISCOUNT PALMERSTON: The facts of the case are as follow: When Colonel Wylde and the Spanish and Portuguese and French officers met the officers of the Junta, for the purpose of arranging, as they imagined, the submission of the Junta, the Marquess of Loule demanded, on behalf of the Junta, that Sa da Bandeira and Das Antas should be included in the provisions of the amnesty. To that demand Colonel Wylde and the others said, and, in my opinion, very properly—

> "We have not come here to discuss with you, the Junta of Oporto, in what manner Sa da Bandeira and the Count das Antas, who have surrendered elsewhere, shall be treated—that is a matter with which you, the Junta, have nothing at present to do—the question is, will you or will you not submit according to the terms proposed by the Queen of Portugal?"

And it is perfectly evident, in my opinion, that the Junta were not competent to make the treatment of Sa da Bandeira and the Count das Antas a part of the arrangement. But if my hon. Friend asks me whether, in the opinion of Her Majesty's Government, those persons are entitled to the benefit of the amnesty, I have no hesitation in saying that, in our opinion, they are undoubtedly so entitled. According to the last accounts from Lisbon, it appears that they did not then know that an arrangement had been made with the Junta; and a question had arisen turning upon some nice points of distinction as to whether Sa da Bandeira was a prisoner of war, or whether he was coming of his own accord to surrender. That question, however, ceases of course to have any application now, as the whole thing is over; but there is no doubt that both Sa da Bandeira and the Count das Antas are entitled to the full benefit of the amnesty.

Matter dropped.

SUGAR DUTIES.

MR. MOFFATT moved for leave to bring in a Bill to repeal the discriminating duties upon unrefined sugar. The present system operated most disadvantageously to all classes; and he was astonished that a tax so harassing in its collection, and so entirely unproductive of benefit, should be clung to with much tenacity. In lieu of the present system of discriminating duties, he proposed to substitute one unform tax upon unrefined sugar.

MR. EWART seconded the Motion. It was really a disgrace to our fiscal arrangements that such a complicated system of taxation should be allowed to continue, when there was so simple a remedy at hand. Some years ago it was attempted to make nice discriminations between the different kinds of teas, and so also with wines; but the system led to interminable confusion and imposition. He believed that the best policy was to adopt one simple uniform rate of duty, fixed as low as was consistent with the purposes of the revenue and the increase of consumption.

The CHANCELLOR OF THE EXCHEQUER did not think it desirable to go at this time into the general question of discriminating duties; and he could scarcely think that his hon. Friend (Mr. Moffatt) hoped at this period of the Session to have the matter dealt with. He agreed in a good deal that had fallen from his hon. Friend; and he could not deny that there were much greater difficulties in the way of collecting an *ad valorem* duty than an uniform duty. He remembered, however, that this subject was discussed last year at the time of altering the sugar duties; and though he then thought it desirable to continue this duty, he must repeat what he then stated, that he reserved to himself the absolute right of altering the duties whenever he should think it expedient. There were some other questions connected with the sugar duties with which it would be necessary to deal next year; and he thought it would be far better to defer the whole question till then. He asked his Friend, therefore to leave the matter in his hands till next Session.

MR. MOFFATT said, after the statement of his right hon. Friend, he should not press the introduction of the proposed Bill; but if his right hon. Friend did not bring the subject forward at an early period of the ensuing Session, he (Mr. Moffatt) should most certainly do so.

Motion withdrawn.

THE RAJAH OF SATTARA—ADJOURNED DEBATE.

On the Order of the Day for resuming the Adjourned Debate having been read,

MR. EWART said: Mr. Speaker, Sir, I rise to ask a question of the right hon. Gentleman, which I apprehend I have a right to do. The case of the Rajah of Sattara is producing a deep effect on the public mind. I put it to the right hon. Baronet and to Her Majesty's Government, whether it would not be a wise and just course to institute an inquiry of some kind into this case? [Sir J. C. HOBHOUSE: What is your question?] The question is whether after all that has passed, it would not be just and politic to institute a fair inquiry into the case? [Sir J. C. HOBHOUSE: You said you were going to ask a question.] That is the question. I have a right to do this, and I will do it. I have a right upon the question of the Order of the Day, not only to put a question, but to make a speech. I therefore say, that it appears to me, from a simple desire to do justice to the Rajah of Sattara, that it would be proper and creditable in the Government to grant some sort of inquiry.

MR. SPEAKER: The right hon. Baronet rose to address the House, and I called upon him to do so; therefore the right hon. Baronet is in possession of the House. The hon. Member for Dumfries can simply ask a question, but cannot go into the case of the Rajah of Sattara.

SIR JOHN HOBHOUSE spoke as follows: Sir, I hope the House will afford me that indulgence which, under the peculiar circumstances of the case, I think I have a right to claim. For, in the first place, the subject before us has been so frequently debated, that I cannot hope to bring any novelty or any ingenuity to the discussion; and, secondly, the part which I am compelled, from a sense of duty, to take, is, I am aware, apparently ungracious, inasmuch as it seems, and has been represented to be, a denial of justice and of a fair trial to one who urges that he has been condemned unheard, and ignorant of the accusations brought against him. And here I will say, in the outset, that were I convinced that I had adopted an indefensible course, no false pride, no weak attachment to consistency, should induce me to persevere in error. No, I would at once retrace my steps—and would advise my friends in Leadenhall Street to do the same—in spite of the repeated decisions which they have for the last eight years deliberately pronounced on this much-agitated question. Seeing, however, no reason to change my opinion, and being conscientiously convinced that what has been done has been done justly and properly, I must meet this Motion with a direct negative, and I must now ask permission of the House to lay before them such evidence as I think will go far to rebut the statements made by the hon. Member for Montrose ; and in order to do so, I must refer to those documents on which alone we can rely for forming a safe judgment on this subject. The hon. Member for Montrose has very properly read to us many papers containing the opinions of persons worthy of credit in regard to the ex-Rajah of Sattara ; and he has gone somewhat at length into the history of this Prince and his principality. This must be my excuse for alluding to these circumstances, which, not longer ago than July, 1845, were detailed, with great accuracy, by my hon. Friend the Member for Beverley, the late Chairman of the East India Company (Sir James Hogg), and which have not been correctly stated by the Member for Montrose. The hon. Member commenced his speech last night by saying —" Here you have an independent Prince, a friend and ally of Great Britain, hurled from his throne, and sent an exile from his home." Sir, the ex-Rajah of Sattara was no independent Prince at all. He was a Prince created by us upon certain conditions—conditions not the least vague —but contained in a specific treaty, which treaty was repeatedly recalled to the consideration of the Rajah, and about the meaning of which it was impossible there should be any doubt. He did not ascend the throne by any hereditary right. He was born in a prison, and his forefathers for a hundred years, although the descendants of the adventurer who had usurped the chieftainship, and formed the Mahratta Confederacy, were, in fact, the powerless puppets of the real Sovereign of the country—the Peishwa. After the conquest of the Peishwa, it was thought expedient to create the small principality of Sattara, and to place at the head of it Purtaub Sing. He was accordingly released from prison by Mr. Elphinstone, and a treaty was made, being dated 25th of September, 1819, the principal articles of which were, " that the Rajah should hold his territory in subordinate co-operation with the British Government;" that he should be guided in all matters by the advice of the British Resident; and " that he was to forbear from all intercourse with Foreign Powers, and all persons whatsoever, not being his own subjects." This was declared a fundamental condition, and any departure from it was to subject him to the loss of his sovereignty. The hon. Member for Montrose has quoted the opinions of successive Residents at the Court of Sattara in evidence of the high character and amiable qualities of the Rajah. Sir, I will show from his own authorities, and take them one by one, that from the moment Purtaub Sing was placed by us upon the throne, he gave proof of that disposition which has been the cause of all his calamities. Immediately upon his accession, he was placed in charge of Captain Grant Duff, a gentleman still alive, whose opinion was referred to by the Member for Montrose. Now what does Captain Grant Duff say? After mentioning his good qualities, he goes on thus:—

> " Opposed to the Rajah's good qualities, he is very sly, and this he mistakes for wisdom; some of the intrigues and tricks he mentions having practised during his confinement prove that he is an adept at dissimulation. He had certainly great excuse for this, but it has given him a taste for intrigue; and, unfortunately, this dangerous propensity is easily flattered; some of his dependants easily persuaded him that by His Highness's counsel and their exertions the present happy change has been wrought. In vain did I repeat what you had told him of the Governor General's orders; he was not at all convinced for a long time.*

The next authority quoted by the hon. Member for Montrose was General Briggs, also Resident at Sattara; and I do not know that there is on record any opinion more prophetic of the future fate of a Prince, the victim of his own misdeeds. General Briggs says, in a letter to the Bombay Government, dated January 1, 1827:—

> " He is, however, tenacious of his prerogative, and will every day more and more resist our control. He has lately been flattered by those around him into an erroneous estimate of his own importance, and he has already evinced strong inclinations to extend his connexions beyond the limits prescribed by treaty. It will be fortunate,

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* Parliamentary Papers, p. 506.

> perhaps, for his Highness himself if events afford this Government an early opportunity to give him timely warning of the danger he is incurring, or I should be very apprehensive that he may succeed in involving himself in secret communications with those who may, at some future period, provoke the resentment of the Government, when it is likely that a development of a system of intrigue with his Highness may take place, which will altogether shake our confidence, and may lead to his ultimate ruin." *

Such is the recorded opinion of General Briggs; and although I admit to the hon. Member that General Briggs has changed his opinion, yet I contend that an opinion given, when the facts were pressing upon him upon the spot itself, with the Prince his daily associate, and when he was responsible to his Government for passing a right judgment, is ten times more valuable than a conclusion formed by the same person, many years after the events, and when he is not under the same obligation of weighing his opinions and measuring his words. The next Resident was General Robertson, also referred to by the Member for Montrose; and that gentleman, though latterly taking a favourable view of the Rajah's conduct, confessed that he was aware of his intrigue with Goa; for in a letter to Dr. Milne, on the 14th of March, 1839, he says—

> "I have heard of the discovery of the Mission to Goa; this was in my time, and my proceedings on it are on record. I thought it a foolish thing of his Highness, but not of importance enough, as I did not see a likelihood of his repeating it, to say anything to him or to Government about it."†

The hon. Member for Montrose relied much on the authority of the next Resident, General Lodwick, who is indeed a most important witness—but on which side? He was one of the Commission that investigated the case in 1836, and he was himself examined upon oath upon that occasion. He said—

> "In the month of June, 1836, it came to my knowledge that his Highness had appointed an agent to proceed to England to represent his claims to the Home authorities: requesting an interview, I pointed out the impropriety of this, as he had not consulted me on the subject, as I conceive he was bound to do by treaty; and as the right hon. the Governor had at that period assured his Highness that his case was before him, and that no delay would take place in submitting his case to the Court of Directors; and that eventually every consideration would be paid to his case. From that period an almost hostile disposition has been evinced towards me by his Highness, and he now scarcely ever consults me on any subject, and acts as he pleases, as if he were independent of the treaty and of all control." ‡

I beg the House to attend to this last statement of General Lodwick, given at the time of the transactions in question. It is quite clear that by the conduct so described, the Rajah then had broken the treaty—for he was bound, as I have before shown, to follow in all things the advice and guidance of the British Resident: all this, according to General Lodwick, himself Resident, he had deliberately refused to do—I say he had thereby forfeited his throne. I admit to the Member for Montrose, that up to a late period, the Home authorities were well satisfied with the Rajah, and that in December, 1835, they signified their approbation to him in a despatch to the Bombay Government, and presented him with a sword. I countersigned that despatch, and concurred in it; but even in the next year, the same General Lodwick wrote from Sattara to the Bombay Government, that certain native officers of the 23rd Native Infantry, had informed him that the Rajah and his Dewan had endeavoured to corrupt their fidelity; also, on the 9th and 10th of September of the same year, 1836, General Lodwick reported to the Bombay Government, that "it was put beyond doubt that the Rajah had proved faithless to his engagements with the British Government;" and the General added, "deeply as he regretted the errors of his Highness, he could discover no extenuating circumstances." In consequence of these reports from the Resident at Sattara, a Commission was appointed to investigate the case; and I will say fearlessly, that men better qualified for a duty so delicate could not have been found. General Lodwick was one of that Commission—Mr. Willoughby, Secretary to the Bombay Government, was another—and the third was that honourable, but much-calumniated man, then Quarter-master General of the Bombay army, I mean, Colonel Ovans—then enjoying the highest reputation; a reputation which he has never tarnished, and which, I trust, he will enjoy undiminished to the end of his days. The Commission met on the 12th of October, and sat four-and-twenty days. They examined all the witnesses upon oath; and after the most patient investigation of the whole case, they came to the unanimous decision, that the charge of endeavouring to seduce the native officers of the 23rd Regiment, had been proved both against the Rajah himself, and the Dewan. I now come to the principal charge against the Commission, namely, that the Rajah

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* Parliamentary Papers, p. 425.

† Ibid. p. 1167.

‡ Ibid. p. 345.

had not been heard in his defence; and for a complete answer to this imputation, I will read from the proceedings of the Commission.

13th Day.—" His Highness the Rajah attends the Commission, according to this appointment, about three o'clock, accompanied by his brother, Appa Sahib, and Balla Sahib Senaputtee. These two persons were present during the whole interview. * * * * *

" Mr. Willoughby then recapitulated at length the substance of the evidence of the two soobahdars, of the servant Cosheea, and of the Brahmin Untagee, relative to the two interviews at Gavind Rao Dewan's house, and afterwards stated with greater minuteness their account of the interview with his Highness himself at the palace, and of the language he had addressed to the soobahdars, particularly the four events, which, on occurring, would be a sign to them of his being engaged, namely, disturbances at Bellapoor, Bombay, Hyderabad, and on the Nesbudda. Mr. Willoughby concluded by observing to his Highness, that if he had been deluded into error, his best course was to acknowledge it, and throw himself on the clemency of the Government; but that the Commission was now ready to hear whatever his Highness had to say, and to examine any witnesses he might wish to produce. . . . . His Highness heard all very quietly, and then gave a denial to the whole story. * * * * After a long conversation of this kind on the part of the Rajah, his Highness was earnestly pressed by the Commission to allow the evidences who were in attendance to be introduced, that he might hear their history from their own lips, and was informed that his not doing so might be interpreted to his disadvantage; but he declined, observing that he had perfect reliance on the Commission, and that hearing it from the Commission was the same as hearing it from the witnesses."

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" His Highness evinced throughout the whole of this interview, which lasted about three hours, the utmost readiness and self-possession: he was first embarrassed; but it was only the embarrassment natural to a person in his situation."

15th Day (p. 349).—" Balla Sahib Senaputtee attends and informs the Commission that he has been sent by his Highness the Rajah to represent that he has nothing to state to the Commission beyond what he stated in person on the 26th instant, and to deliver six depositions in elucidation of the character of the Brahmin Amunt Bhutt. These depositions are read, and recorded as Appendix K, and Balla Sahib is requested to summon the deponents. In conclusion, he states that his Highness has other depositions to forward, and takes his leave."

16th Day.—" The following memorandum, received from his Highness the Rajah of Sattara, with the six depositions alluded to in yesterday's proceedings, is now recorded. . . . . . And the same day four of the deponents, witnesses for the Rajah, were actually examined (see p. 350). And the Rajah handed in two other memorandums, himself being present, to the Commission."*

After hearing these facts no one surely will say that the Rajah had not an opportunity of defending himself—no one will say that he was not cognizant of the charges against him, or that the inquiry was so conducted as to give him no proper means of disproving his guilt. If he declined to enter into the detailed defence, which he was repeatedly invited to make, the blame and the consequences must rest with himself, and himself alone. The Commission reported their proceedings to the Bombay Government, who transmitted them to the Government of India, and to the Secret Committee. The Secret Committee avoided giving any opinion on the subject until they should be made acquainted with the judgment formed by the Government of Bombay. That Government was proceeding with their inquiries, when other discoveries were made, by which it appeared that the Rajah had entered into a correspondence with the Governor of Goa, and with the ex-Rajah of Nagpore; a correspondence, which, if proved against him, was a direct infraction of the treaty which placed him on the throne. All these matters, both respecting the original charge of corrupting the sepoys, and corresponding with persons not subjects of the Rajah, were now most particularly examined by all the members of the then Government of Bombay. At the head of that Government was Sir Robert Grant. Now, if ever there was a strictly conscientious man—if ever there was a man who shrunk from the slightest act of injustice, or who was imbued with a deep sense of responsibility towards God and man in the conduct of his government and the exercise of his power, it was Sir Robert Grant. That excellent man has been talked of, not here, but elsewhere, as if he had some interest in the deposal of the Rajah. Absurd imputation! What interest could Sir Robert Grant have—what interest could the Government of India have—what interest could the Home authorities have, in the dethroning of a petty prince, except that interest which they all feel in the security of the great empire committed to their charge? I now proceed to read the decisions of Sir Robert Grant and his Council. Sir Robert Grant said, in his Minute of 31st May, 1838:—

" Now that we are apprised of the extent and magnitude of the plots in which he has been engaged against his benefactors, I have no fear that the act of his deposal will be condemned, or that the public sympathies will rally in his favour. Long as his intrigues have remained undetected by the British Government, I am convinced, both from the evidence in this case and from other accounts, that the knowledge of them is very widely diffused; and by the sensible portion of the community he will be regarded as the victim, not of our power or tyranny, but of his own blind, inveterate, and ungrateful ambition."*

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* Parliamentary Papers, p. 347.

Would Sir Robert Grant have published an opinion so strong—so decisive—without the solemn conviction that, after the fullest investigation, he was justified in forming it? I must now quote the Minute recorded by Mr. Farish, one of Sir Robert Grant's Council, also a gentleman of that high sense of moral and religious obligation, of that exceeding scrupulosity, it may be said, that no act of heedless injustice could be feared from him. This is the language of Mr. Farish:—

"In regard to the Rajah himself, the fact of breach of treaty, and forfeiture of all that was secured to him by that treaty, is made out, so that any plausible defence appears scarcely possible. The very vindication set up by his advocate is an aggravation of the treacherous plots thus brought home to him, and avows sentiments of the basest ingratitude; while, till lately, his professions have been the most friendly. Nor has he been without warning; although, probably, aware that but little of his wild communications with the Goa authorities was known to Colonel Robertson, the warnings of that officer, spoken of in some of the proceedings under the term forgiveness, seems not in the least degree to have arrested or retarded the prosecution of those very designs."†

The next authority, also a member of the Bombay Government, is Mr. Anderson. That gentleman, in his Minute of June 7, 1838, recorded this opinion on the whole proceedings:—

"It is apparent that the Rajah from the first entertained ideas different from those on which we placed him on the throne, and has thought he ought to be reinstated in all the powers and possessions of the house of Sevajee, or head of the Mahratta Confederacy. The idea to an ambitious mind is natural. It becomes alone criminal to us, when it takes shape, and actual designs are formed, and plans put in practice to acquire those possessions at our cost and destruction.

"That such were the views of His Highness, there can be no question. It is true that the plans and designs of His Highness were mostly of a futile and impotent character; but to this there is one fatal exception—the endeavour to seduce the native officers from their allegiance, proved on the case itself, and proved in the facts and the character of the proceedings in the other plots in which the Rajah has been found to be engaged.

"In this there was no weakness. The end strikes at the very root of our power, and is so decidedly fatal, that when it occurs I cannot think there should be any compromise."‡

All these Minutes were laid before Lord Auckland and the Government of India. Now, Sir, the hon. Member has read to the House two or three detached sentences from statements made by Lord Auckland which seem to be favourable to the Rajah; but I will now read the real conclusive decision at which Lord Auckland arrived, and which he recorded at different stages of the proceeding. On the 27th April, 1837, his Lordship wrote a Minute, of which this is an extract:—

"The proceedings of the Commission have left no doubt in my mind of the guilt of the Rajah, to the extent, at least, of countenancing an attempt to seduce from their allegiance two native officers of the British Army. The evidence is clear, as well directly from the officers themselves, as by the confirmation of many collateral circumstances; and it is in no degree weakened by the defence which the Rajah has himself set up. At the same time, the evidence before the Commission would lead to the belief, that the plot (if matured and regularly concerted plot there were) was confined to the narrowest limits, and that the Rajah, in weakness, or in folly (almost, as is insinuated in some of these papers, insanity), lent himself to visions, and to schemes of ambition and disturbance, with no clear or definite meaning and intention.

"But he is no less guilty; and hostility to the British power, to whom he is indebted for everything he has, is monstrous and unpardonable."*

Again, in a Minute, dated the 23rd September, 1838, Lord Auckland wrote thus—

"In my Minute of the 27th April, 1837, I observed, 'The proceedings of the Commission have left no doubt in my mind of the guilt of the Rajah, to the extent, at least, of countenancing an attempt to seduce from their allegiance two native officers of the British Army;' and it was added in another part of the same paper, 'I see no reason why such treason should not recoil upon those who contrived it, and be made, at the same time, a source of additional strength to ourselves!' It is now also my painful duty to state, that I am compelled to concur in the unanimous opinion of the Government of Bombay, that the two other principal charges preferred against the Rajah, and especially the first of them, appear, from the evidence obtained by the acting Resident at Sattara, to be fully established, namely—

"1st. His treasonous intercourse with the authorities at Goa.

"2nd. His treasonous intercourse with the ex-Rajah of Nagpore.

"However wild and nearly incredible the intrigues alleged in these two cases seem to be, the proof of their existence appears to be no less clear and irrefragable. That the Portuguese of Goa should wrest India from the British power—that Appa Sahib, living almost destitute and in restraint, should raise twenty lacs to enable the Portuguese to restore him to the throne of Nagpore; that Portugal, France, and Austria are to contribute their battalions to the support of Sattara—all these things may look rather like the dream of delirium than the overt machinations of treason. Yet, that the ignorant ambition and malignity of the Rajah have been duped by insane speculations and deceitful promises of this character, there remains, I fear, little room to doubt."*

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* Parliamentary Papers, p. 206.

† Ibid. p. 207.

‡ Ibid. p. 208.

* Parliamentary Papers, p. 69, 70.

Such were the opinions formed by Lord Auckland previous to the deposition of the Rajah; and what were those of his Council? I see an hon. Friend behind me who was a Member of the Council of India at that time (General Morison), and who sifted the evidence on all the charges. General Morison, on the 25th April, 1839, recorded this Minute:—

"I am quite satisfied, as well as his Lordship, the Governor General, of the treachery and extravagant machinations of the Rajah of Sattara. Since his Lordship came to this conclusion, as to the Rajah's guilt, additional facts have come to light tending still farther to confirm it. The examination of the emissaries taken up at Nellore and at Madras, contains matter strongly corroborative of the Rajah's disaffection and hostility. But I doubt the expediency of putting him on his trial; he could not be tried by his Peers, and the native community, in a case like this, would probably consider a commission of British officers, however constituted, as having been assembled only to convict him. The simple suspension of the Rajah would not, in my mind, be an adequate punishment of himself, nor a sufficient example to others at a moment like the present; and his territory would be kept in a ferment highly injurious to good government, by continued rumours of his restoration, and probably intrigues to effect that object. I think, therefore, that he ought to be deposed for his treachery, and the grounds of that decisive, but just measure, declared publicly by Government, waiting only to fix a time most convenient for carrying it into effect."†

My gallant Friend spoke of facts then, as it were, before him. He is here to tell us whether he has changed his opinion since. He is a man who has been honoured by those whom he faithfully served, and by his Sovereign. He is not one who is likely to do an injustice, or countenance oppression. I will now come to the opinion of Mr. Wilberforce Bird. He was a Member of Council, and has since that time been Provisional Governor General of India. His Minute of the 11th April, 1839, is equally decisive as to the guilt of the Rajah:—

"The papers and proceedings submitted by the Government of Bombay in the case of the Rajah of Sattara contains, it appears to me, abundant proofs that the Rajah has for a series of years, and in different ways, been deeply implicated in treacherous designs against the British Government, in violation of the Treaty of the 20th September, 1819, and has subjected himself thereby to the forfeiture of his sovereignty, and the loss of all the advantages bestowed upon him by that agreement. * * * *

"Nor does it appear to me that the case requires to be treated judicially. It is one entirely of a political nature; and, as such, all that we have to do is to satisfy ourselves that the stipulations of the treaty have been treacherously violated. This has been done by an inquiry than which none was ever more patiently, laboriously, and dispassionately conducted, or more minutely or critically revised; and by all the authorities who have had successively to pass judgment in the case, the Rajah has been unanimously condemned.

"I think, therefore, that the Rajah may at once be set aside."*

Mr. Robertson, also a Member of Council, a gentleman universally respected, afterwards Governor of the North-western Provinces, came to a similar conclusion, and said—

"It is also worthy of remark, that all the witnesses examined by Mr. Spooner deposed to the existence of a wide-spread rumour of a combination against the British power being formed or contemplated by the native chiefs above the Ghauts. On the whole, I derive from the portion of the evidence from which I have extracted the observations above given, the strongest convictions of his Highness the Rajah of Sattara having incurred the penalty prescribed for a breach of the 5th Article of the Treaty of 20th September, 1819."†

All these Minutes were of course transmitted to the Home authorities; and how, with such documents before us, could we come to any conclusion different from that of the Bombay Government and of the Government of India? But I can truly say that there was the greatest disinclination on the part of the Court of Directors and the Board of Control to come to extremities with this Prince. Sir James Carnac was appointed Governor of Bombay —he was a friend of the Rajah; he was a person of a disposition opposed to all harshness and severity, and no doubt was entertained that he would bring the affair to a happy conclusion. Well do I recollect that taking leave of him at the Board of Control, I impressed upon him our desire that he should deal leniently with the Rajah, and received from him an assurance that he would follow that advice. Sir James Carnac, on arriving at Bombay. found that the Government of India had authorized the deposition of the Rajah; but he resolved to proceed to Sattara in person, and offer the Prince a full amnesty on conditions the most lenient, and which no one could have anticipated would be refused. He went to Sattara, accompanied by Mr. Anderson, one of his Council. He saw the Rajah. He showed him the conditions, which were, in fact, nothing but the articles of the Treaty of 1819, with a preamble stating the cause of the renewal of the treaty. Sir, it has been said that it was this preamble which caused the refusal of the Rajah, as being a confession of his guilt. That statement is not true. The Rajah did not object to the preamble. I have the authority of Mr. Anderson, who was present at the time, for saying this. What the Rajah did object to, was the second article of the amnesty, copied from the old treaty, and binding him to be guided in all matters by the British Resident. This, said the Rajah, "makes me a mamlutdar," or district officer; and he repeatedly declined to concede to that condition—which, be it remembered, was the condition by which he ascended the throne, and the rejection of which at this moment shows what were his previous dispositions in regard to the paramount State. Sir James Carnac, mortified at this blind refusal to save himself, still resolved to give him an opportunity to consider the proposed terms; and no less than four different times urged him to accept them. Unhappily the agents at Bombay still continued to advise him not to consent to any terms, as Sir James Carnac was his friend, and would not take any serious measures in regard to him. Sir James Carnac had no course to pursue, but to execute the orders of the Supreme Government. The Rajah was deposed, but not as the hon. Member for Montrose had said—he was not sent to wander through the world a beggar—unless it be beggary to have an income of 12,000*l*. a year. The whole income of the Sattara State is but about 130,000*l*. or 140,000*l*. a year; and with this sum the Prince had to support his civil and military establishment, so that I should say he is a richer man now with his 12,000*l*. a year than when upon the throne of his little principality; nor is he so forlorn or abandoned as represented, for I believe he has a suite consisting of some 700 followers, who, together with the agents paid to agitate this question, doubtless contribute to exhaust his means. I now proceed to notice another exaggeration by which an attempt has been made to give an interest to the misfortunes of the Rajah. A story has been told by the hon. Gentleman of the cruel treatment experienced by the Rajah, at the time of his departure, and while on the road from Sattara to Benares: this story is founded on a petition, signed "Charles Forbes, Chairman of the British India Society," dated 10th September, 1841, and presented to Parliament. I do not find that it was printed by order of the House; probably because it contained libellous matter. The petition states—

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* Parliamentary Papers, p. 228, 229.

† Ibid. p. 258.

* Parliamentary Papers, p. 263.

† Ibid. p. 261.

> "That Colonel Ovans invaded the ex-Rajah's chamber at dead of night, dragged him from his bed, and thrust him almost naked into a palanquin, with his cousin, Balla Sahib Senaputtee.
>
> "2. That the present Rajah was without, assisting Colonel Ovans in these outrages.
>
> "3. That the ex-Rajah was hurried off to Benares under such circumstances of unnecessary cruelty, that Balla Sahib Senaputtee died on the road, and a halt was refused to his wife when confined."

On these charges, Colonel Ovans, in his letter to the Bombay Government, of 25th November, 1841, says—

> "Grave charges—and which, if true, no doubt deserve all the reprobation bestowed upon them in this petition. But I beg leave solemnly and unequivocally to declare, that they are all and every part of them, utterly false; and, moreover, I beg respectfully to add, that I am, if necessary, ready to make a deposition on oath to the following effect:—
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> "That it was broad daylight when I arrived at the ex-Rajah's palace. That I did not go into any chamber of the palace, but only into the open area in the centre of that building. That the ex-Rajah himself came down stairs to me, and joined me there. That the ex-Rajah and the Senaputtee were not put into the same palanquin. That the present Rajah did not accompany me into town.
>
> "To these facts I am ready, as stated before, to make a deposition upon oath; and I also beg most earnestly that Government will be pleased to call upon Lieutenant Cristall of the 8th Regiment, Lieutenant Terry of the Artillery, and Lieutenant Follett of the 25th Regiment, the officers who were with or near me on this occasion, for their depositions upon oath as to what they knew of these transactions.
>
> "As regards the ex-Rajah being hurried off to Benares, and the cruelties committed on the road, it will be sufficient to mention the following facts:—First, that the ex-Rajah's deposal took place on the 5th of September, 1839, and he did not leave Nimbgam till the 7th of December following; thus proving that he had three full months to prepare for his journey. Secondly, that the ex-Rajah did not arrive at Benares until the 25th of March; thus giving 107 days to perform a journey of 927 miles, or about nine miles per diem. Thirdly, that every attention was paid to his comfort, inasmuch as the expenses of carriage alone for himself and his followers cost upwards of 80,000 rupees (8,000*l*.), the whole of which was defrayed by the Sattara Government. Fourthly, that this accusation regarding the Senaputtee and his wife is as false as the other charges above adverted to, inasmuch as a halt was made on the confinement of that lady; and that the Senaputtee himself died suddenly of apoplexy—not, certainly, of any hardship suffered on the road, having, up to the very day of his death, been in excellent health."[*]

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[*] Parliamentary Papers, p. 1290, 1291.

This, to my mind, is a full and convincing contradiction of the charges contained in the petition, which, in fact, was the foundation of the first attack made on Colonel Ovans—an attack followed up most perseveringly by those who knew no better way to prove the innocence of the Rajah than to assume the guilt of many honourable persons, their own fellow-countrymen; and I am the more willing to attach implicit faith to this statement, inasmuch as Colonel Ovans appeals to officers, two of whom are still alive, and one in this country, ready to confirm all that is here alleged. And here I will take occasion to disprove another most serious accusation brought by the Member for Montrose, and still, I am sorry to say, persisted in, against Colonel Ovans. Referring to certain letters, purporting to have been sent by the Rajah's Agent to Goa, the hon. Member for Montrose, in his speech of July 18th, in the year 1845, did not scruple to use the words :—

> " He had the copy of the forged seals of the Rajah, which were purchased by Colonel Ovans, and produced by him as evidence against the Rajah. He had copies of the real seals, which were produced by Rungo Bapogee, in proof of the forgery of those purchased by Colonel Ovans. All these, he contended, were clear and distinct proofs that Colonel Ovans was aware that evidence had been suborned against the Rajah, and that it was on this suborned evidence his proceedings were founded."

Now, let the House consider these words. Here is a distinct charge against a British officer in high employment — a man to whose character the highest testimonials are found in these Parliamentary Papers —a charge, I say, of purloining seals which he knew to be forged—in order to frame evidence which he knew to be suborned—against a person whom he knew to be innocent, but resolved to ruin. Can any one be astonished that the late Chairman of the East India Company (Sir James Hogg), on hearing these charges, should call them "base and slanderous;" and yet, I much regret to say, that although the Member for Montrose has withdrawn a part of this monstrous accusation, he still blames Colonel Ovans for not being aware that these seals were forged. This blame, I will show, is equally unfounded with the other attack on the honour and character of Colonel Ovans; for it does so happen that Colonel Ovans himself pointed out to the Bombay Government, in his official reports, under date the 11th of November, 1837—

> " That the seals are not those generally used by the Rajah; and there is no direct proof to show how they first came into Nagoo Deivrao's possession." *

I am, indeed, astonished that, with these words staring him in the face, the Member for Montrose should have so far forgotten what is due to himself, as well as others, as to accuse Colonel Ovans of that very deception which the Colonel had himself detected and denounced. I trust that I have sufficiently exposed the mode in which the defence of the Rajah has been conducted, at the expense of the character of this excellent officer. If ever, indeed, there was a man basely run down, and calumniously assailed in the discharge of a great public duty, it is Colonel Ovans. Talk of conspiracy! Yes, here has been a conspiracy; but it has not been against this misguided Rajah: it has been against the honourable servant and soldier of his country, who was mainly instrumental in detecting the misdeeds of the really guilty party. Colonel Ovans was, as I said, Quartermaster General of the Bombay army, when Lord Keane, the Commander-in-Chief, reluctantly consented to detach him on the mission to Sattara—a mission which, in an evil hour, he accepted; for from that hour almost, he has been a mark for the poisoned arrows of malice and revenge. See what is said of that gentleman by Sir George Arthur, by Mr. Crawfurd, and by Mr. Reid,† and then judge of the decency of the attacks made on his character—assailed as he has been —but, happily for him, in association with some half-a-dozen of the best gentlemen in England. These personages all concurred in the decision of Colonel Ovans; and I must now proceed to state, that the Rajah having been deposed and removed from Sattara, all the proceedings were referred to the Governor General of India, who was thus, for the fourth time, called upon to give an opinion on the whole case. And what was that opinion? It is found in a letter dated from Simla on the 24th October, 1839, and is as follows :—

> " I am directed to acknowledge the receipt of your despatch of the 18th ult., transmitting a Minute of the Honourable the Governor of Bombay, and other documents relative to the deposal of the late Rajah of Sattara, and the proclaiming his brother as his successor.
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> " These papers have been perused by the Governor General with the utmost attention, and I am directed to express his Lordship's full conviction

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* Parliamentary Papers, part i., p. 405.

† Ibid. printed 4th July, 1845, p. 36.

that after the obstinate refusal by the Rajah of the very lenient terms which were offered to him by the Governor, as the conditions on which an amnesty was to be granted for his past conduct, aggravated as that refusal was by the clearest indications of the ungrateful and ambitious spirit by which he has been animated, there was no course left but to depose him from power.

"That the Rajah had been guilty of gross infractions of his treaty with the British Government was already proved to the satisfaction of the highest authorities in this country, to which the evidence on the subject had been submitted; and his breach of faith as regards the most important charge—that of tampering with the sepoys, had been established after an inquiry in which the fullest opportunity of clearing himself had been afforded to him. The sentiments of the Governor General on the case had been recorded, after mature deliberation, in his Minutes of the 23rd September and 29th December, 1838; and his Lordship can only now repeat his complete persuasion of the Rajah's inexcusable guilt.

"The Rajah, evidently, on his own admission, held the treaty to be hardly binding upon him, and objected, principally, to give the assurance required from him, because it was to be viewed as a second ratification and confirmation of the most important stipulations of that treaty. Under all the circumstances, therefore, his Lordship is prepared to give his full sanction and support to the measure of deposition to which his Honour the Governor was reluctantly compelled to resort."*

The deposition of the Rajah thus sanctioned by the Supreme Government of India, was, in due course, reported to the home authorities; and, I confess, I felt at the time most surprised and most disappointed to find that an affair which I had hoped would have terminated in the restoration of the Rajah to his lawful power, had, by his obstinancy and folly, ended in his disgrace. The Court of Directors, on the examination of all the documents, gave their full sanction to the deposition. In their letter of April 1st, 1840, to the Governor General in Council, they use these words:—

"It now only remains for us to communicate to you our opinion, which was unanimously adopted by all the authorities to whom the evidence had been submitted—That the late Rajah had incurred the penalty of deposition from the throne to which he had been raised by the British Government. This opinion we give, after the most anxious and deliberate consideration, by adding our sanction to the approval which your Lordship in Council has given to the proceedings of Sir James Carnac in deposing the late Rajah of Sattara."†

I do not deny that the Court of Directors were not unanimous on this occasion. I admit that Mr. Tucker, the present Chairman, and three other directors, recorded their dissent from this despatch; but there was a gentleman amongst them—then living, but now no more—of the highest character both for judgment and every amiable quality, who recorded an opinion containing a review of the whole case, and coming to the decided conclusion that the Rajah was guilty, and had been justly deposed. Mr. Edmonstone, to whom I allude, in his *Observations*, printed by order of the Court of East India Proprietors in April, 1840 (page 377) says thus:—

"It is alleged, however, that the Rajah has been condemned on *ex-parte* evidence, and not even had an opportunity of defending himself against the specific charges brought against him. But I maintain that this is a political, not a judicial question. Differences between States, involving the issues of peace or war, or the forfeiture of the dominion of a dependent chief, cannot be placed on the footing of a criminal trial in a court of judicature. They are not in a position to become subject to the operation of laws established for the dispensation of justice between individuals. No tribunal exists, and none ever can be formed, of a nature qualified to ascertain and appreciate the merits of a cause in which ruling powers are the parties, and into which political circumstances and considerations so largely enter as they do in the present case. It is inconsistent with all principle and all practice for a great and paramount State, such as that of the British Government in India, to submit the adjustment of its political rights to the judgment of a subordinate tribunal. The equity of declaring the Rajah's forfeiture of his dominion, turns not upon judicial, but upon political points, arising out of the provisions of a treaty. Although under the scrupulous requirements of a court of justice for the legal conviction of an accused party, the Rajah were acquitted of the specific charges brought against him before any tribunal constituted for the trial of the case, this would not affect the justness of his deposal. The firmest and best founded conviction of his having actually been a party to the alleged intrigues, and his infraction of the terms of the treaty, is consistent with such an acquittal, and on political grounds is amply sufficient to justify his deprivation of a dominion which he failed to exercise in conformity to its fundamental conditions."*

So convinced were the great body of the Directors of the justness of these views, that ten other Directors signed the Minute of Mr. Edmonstone; and from that day to this a large majority of the Court has adhered to the first decision. The House is, however, aware that repeated attempts have been made, both in the Court of Proprietors of East India Stock and in both Houses of Parliament to re-open the case, with what results will be best seen from the proceedings of the Court of Proprietors held on the 17th of December, 1845; and very curious proceedings they were, as I find them detailed in a paper printed by order of Parliament, which I hold in my hand. It appears that Mr. George Thompson, the gentleman so abundantly lauded by the Member for Montrose, and whom, I must be permitted to say, I never did (as the Member for Montrose said) disparage—Mr. George Thompson gave notice that he should bring certain charges against Colonel Ovans at a quarterly meeting of the Court; but Mr. Wigram, standing counsel to the East India Company, advised the Court not to advertise the notice, inasmuch as the said charges were libellous. Libellous or not, however, Mr. George Thompson did bring them before the Court of Proprietors; and very singular was the result, and very creditable, as I think, to the Proprietors; for I read in this paper, after a detail of Mr. George Thompson's charges against Colonel Ovans—"and the question thereon being put, it passed in the negative, *nemine contradicente.*" So that it appears, in the popular—the constituent—not the governing body of the East India Company—not a man could be found to countenance these monstrous charges, brought by Mr. George Thompson against Colonel Ovans, [Mr. HUME: There must have been one vote —Mr. George Thompson's.] No, not a man—not even Mr. George Thompson himself; for it happens that this gentleman, although possessing India stock enough to make a speech in the Court, has not enough to enable him to vote—a trifling circumstance with which I happen to be acquainted, although it appears that his friend, the Member for Montrose, was not. I have before said, that repeated attempts have been made to re-open this case, and have as repeatedly failed. Over and over again has the Court of Directors been moved for this purpose—over and over again have the Court of Proprietors been solicited to interfere. It is only the other day that the Proprietors, by a considerable majority, decided against any further investigation. And the excellent Chairman, Mr. Tucker, though originally in favour of the Rajah, declared that he considered the case closed. Indeed, what tribunal in this country, or in India, could try this case otherwise than it has been tried? Suppose a Committee of the House of Commons assembled to examine the question, what could they learn which is not found in their large blue books? What witness could be called whose evidence is not found in these papers? [Mr. HUME: Call Mr. Anderson; he is now in England.] Well, call Mr. Anderson; he could say no more than is to be found in his own evidence; and which, I have no doubt, he would repeat to-morrow. And here let me remark, that all such inquiries have always, in India, been conducted by commission. How was Umbat al Omrah, the Nabob of the Carnatic, deposed, in 1801? By a commission composed of Sir Barry Close and Mr. Webbe. How was the Nabob of Kurnod deposed? and this case was alluded to by the Member for Montrose, as an instance of fair and just dealing with a guilty native. Why, he was examined by a commission, who condemned, and dethroned him on grounds which certainly were not a bit more a proof of guilt than those proved against the ex-Rajah of Sattara. No papers were found—no correspondence detected; all that was proved was, that the Nabob had bricked up in the walls of his harem a vast quantity of arms of all descriptions, for which none but a mischievous purpose could be assigned. So he was deposed; and the Member for Montrose says, justly deposed. And no one has been found to agitate for him—no parish petitions—no vakeels—no Parliamentary patriots say a word for him—no one asks for a trial for an untried, unheard, and injured Prince, an exile from his home. In conclusion, I will only say that it appears to me it would be a fatal example, if you took from the authorities intrusted by Act of Parliament and the constitution of the country with the powers necessary for carrying out the laws, the power thus vested in them, except upon the most urgent necessity, and on unquestionable grounds. If you have reason to think that these authorities have misused their powers—if there were found many instances of such misconduct; and if you think on the whole that they had not governed the people of India well, then, in God's name, let Parliament reconsider the nature of that authority; let it, if such is thought proper, diminish the extent of that authority, and subject it to other regulations. Let the House of Commons call for and reverse every decision; but I warn those of my hon. Friends who are so inclined, that if they break through the general principle on which India is governed, except on the most urgent necessity, they will strike a blow at our great and wonderful dominion in the East from which it will not soon recover. I would warn them not to show distrust of the authorities they have sent to govern that great country, and who, I am not afraid to say, have not hitherto abused the trust reposed in them. In the present case they have the authority of three Governors of Bombay, of one Governor General, and two Councils in India, in favour of the decision now disputed; besides that of two subsequent Governors General, who have done nothing to alter the determination of their predecessors. They have also the conclusions come to by both Houses of Parliament; and I may here observe, that the last time this question was before the House of Lords, it was remarked by Lord Brougham, that "if their Lordships wished to have all the case before them, it would be necessary for them, to come to a right decision, to read the able and elaborate report of Sir R. Grant, late Governor of Bombay: from the perusal of that document he had come to the conclusion that the decision was just." That was the last time this case was before the other House of Parliament; and it is not unimportant that I should quote it on the present occasion. I will conclude with my last recommendation to the House—"Do not abandon your public servants: stand by them, except, of course, where it is proved that they have betrayed their trust; and do not show a readiness on every idle accusation to cast them off, and abandon them to calumny and unjust reproach."

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* Parliamentary Papers, p. 287, 288.

† Ibid. p. 1253.

* Parliamentary Papers, page 1273.

MR. EWART: Sir, I entirely coincide with the sentiment with which the right hon. Gentleman has concluded — that we should not from any trivial cause abandon our confidence in our public servants in India; but the question is, whether this is a case of that magnitude which justifies inquiry into the conduct of those servants. I do not think we are here so much called upon to try the acts of the Rajah of Sattara as to try the acts of those who have condemned the Rajah of Sattara. Sir, there is one remarkable point in this case. The right hon. Gentleman thinks that we ought not to revive discussion upon it, because it has been so repeatedly considered; but there is this remarkable aspect in the case—that the more it has come under public consideration, the more interest it has excited. This case, two or three years ago, would have been more easily disposed of; but now the public of this country have talked it over and over again: it gains strength from time, and adds conviction to the minds of those who prematurely considered it. Sir, I confess that, listening most attentively, as I have done, to the speech of the right hon. Gentleman, I do not rise with a conviction that the arguments he has employed have destroyed the case of those who advocate the alleviation of the unfortunate condition of the Rajah of Sattara. It may be very true that Lord Auckland came to an adverse conclusion; it may be very true that Sir Robert Grant came to an adverse conclusion; those are great authorities; but the right hon. Gentleman did not state this additional circumstance, that Sir Robert Grant and Lord Auckland thought the case ought to be reconsidered. I will go, though not at length, but succinctly, carefully, sparing as much as I possibly can the time of the House, over the arguments of the right hon. Gentleman; and I confess I was astonished to hear it stated that this Prince was a created and not an independent prince. Whether he be a created or an independent prince, you are bound equally to do him justice; and therefore I maintain that to say this Prince was created by British authority is no argument against his receiving the just consideration of the British Government and the British nation. On the contrary, I think you are bound more carefully to look over those in whom you have yourselves placed such great power.. Sir, the right hon. Gentleman began by quoting the opinion of several persons who have since given contrary opinions. He qusted the opinion of General Briggs; and he said that General Briggs, amongst other heavy charges that he brought against the Prince, said he was a sly prince. [SIR J. C. HOBHOUSE: He does say so.] If slyness is to subject a man to punishment, I think a great many Members of this House would be subjected to similar treatment; and my right hon. Friend is quite as sly himself, in my opinion. The right hon. Gentleman says, that one of the grievances, or one of the crimes, of this unfortunate Prince, was his notion of his independence of British authority. It is therefore made as a charge against the Prince that he was too arrogant; that he thought too much of his position; that he thought himself independent in his position; but is that anything against a man when a charge is solemnly brought against him? I am astonished to think that the right hon. Gentleman should think it worth his while to bring this *obitur dictum* of General Briggs, or of any other gentleman, against the Rajah, as a serious charge. Now what did General Briggs think of the case which was brought against the Rajah? I will quote General Briggs' own words. General Briggs, upon the case brought against the Rajah, although he admitted he was a sly man, says in the year 1841—

> "I have looked over the whole of the correspondence and the papers; I have heard all that has been said against the Rajah; and my firm conviction, as far as these papers go, is that the Rajah of Sattara is an innocent man."

Now, against this charge of slyness so ingeniously adduced against the unfortunate Rajah, I bring the last decision of General Briggs in favour of his innocence; and I think the last opinion of General Briggs fully and amply destroys the first. Then, Sir, the right hon. Gentleman quoted the opinion of General Lodwick. It seems that General Lodwick brought against the Rajah the grievous charge that he seldom consulted him. Is that a matter to be adduced as a serious charge against the Rajah? [Sir J. C. HOBHOUSE: It was a violation of the treaty.] Was the Rajah to go every day and consult the general? If that be the case, I must say, it appears to me, as a plain Englishman, that the right hon. Gentleman seems to view this case through a kind of Indian microscope, if I may use the phrase. I have a very different view of it. I think it an extraordinary thing, that because the Rajah did not happen to go every day to consult General Lodwick, therefore it should be said he has broken the treaty, and that therefore the Rajah was justly deposed. I say that, to consider the Rajah to have been placed in such a situation, would destroy all confidence between man and man. I apprehend that no tributary prince in India would be safe if treaties were so construed, or if the conduct of princes was so tested. But, Sir, what conclusion did General Lodwick, who makes this slight charge against the Prince, come to upon the criminality or innocence of the Rajah? He came to the same conclusion as General Briggs; and I shall quote his opinion. General Lodwick says—

> "During the five years of my residency, rumours of plots were occasionally conveyed to my ears: they have always proved unfounded, and could be traced to that unworthy brother of the Rajah, whom I well know to be guilty of other crimes besides his ingratitude."

Such is the statement of General Lodwick, who gave even a more strong opinion of the innocence of the Rajah; but I think that is a full equivalent to the slight censure which was passed upon him in the opinion previously given. Then the right hon. Gentleman refers to the opinion of General Robertson. But General Robertson also gave an opinion in favour of the innocence of the Rajah. I will quote his opinion in his own words. He says—

> "That upon such evidence as that which was brought against the Rajah he would not hang a dog."

Against the previous opinion of General Robertson, I put that which I have now read. Then the right hon. Gentleman comes to the establishment of the Commission; and the right hon. Gentleman admits it to have been a Secret Commission. At this Commission the Rajah had no opportunity of subjecting the witnesses to cross-examination: he had no council. He applied for a copy of the depositions: a copy of the depositions was not given him. An hon. Member, who is a Director of the East India Company, is present; and if I say anything wrong, he can correct me; but so far as I have heard the case, the Rajah had no copy of the depositions given him, although he asked for a copy. What does General Lodwick, one of the Commissioners, say? General Lodwick says—

> "The native officers were ordered to attend the Commission for the express purpose of undergoing cross-examination. Upon the first question put to one of them by me, the witness became agitated and confused, and no cross-examination was permitted."

Such is a part of the statement of General Lodwick upon the case. Then it is said by the right hon. Gentleman that Sir Robert Grant—a person for whom all who remember him in this House have the highest respect—thought him guilty. But the right hon. Gentleman suppressed this additional fact, that Sir Robert Grant expressly states, that he thought he should have another and a fair trial. I will quote the words of Sir Robert Grant upon this subject also. Sir Robert Grant, on the 15th August, 1837, says—

> "I am strongly of opinion, that before the case is conclusively disposed of, the Rajah should be made acquainted with the fresh evidence that has been elicited against him, and should be allowed an opportunity of offering defence or explanation."

Sir Robert Grant thought there ought to be another trial; therefore we have the opinion of Sir Robert Grant in favour of the Motion of my hon. Friend. The same observation will apply to the remark of the right hon. Gentleman upon the opinions of

Mr. Farish and Mr. Edmonstone. But the right hon. Gentleman goes so far as to rely on the case stated in a communication between the Rajah and Don Manoel de Portugal of Goa, of whom we have heard in the recent Portuguese papers. Now this has been treated by almost everybody as a case so absurd—it is even so treated by the Court of Directors—that it could scarcely be entertained. But Don Manoel, the Governor of Goa, has himself positively denied that he had any communication with the Rajah. I refer to his own letter—a letter which he addressed to my hon. Friend the Member for Montrose, in which the Governor of Goa states, that it is entirely false that he ever had the slightest communication as to this awful plot which was to introduce 30,000 French and Portuguese troops into India; he denies that he ever had the slightest communication with, or heard of the name of, the Rajah of Sattara. These are the words he uses:—

> "Lisbon, 25th April, 1841.
>
> "I consider it necessary for the advancement of justice, and for my own honour, to declare, that, during the whole time I governed the possessions in India, I have never had any correspondence on political subjects with the said Rajah of Sattara; and whatever documents have appeared on that subject are false. (Signed)
>
> "DON MANOEL DE PORTUGAL E. CASTRO."

Now, that the right hon. Gentleman should adduce this case as one worthy of consideration, when it is positively denied by such a man as Don Manoel de Portugal of Goa, seems to evince a weakness in the case which I never could have imagined he would have permitted to appear. Then the right hon. Gentleman alludes to the opinion of Lord Auckland. Lord Auckland, however, uses this phrase with regard to the general charges against the Rajah — "that he must confess he believed them to be incredible;" and, as I said before, Lord Auckland was in favour of another trial of the case. The right hon. Gentleman has alluded to the case of the two soobahdars (native officers), who were said to have been seduced from their allegiance by the Rajah. Now, with regard to this part of the case, I find that this very Commission, which had these officers before them, report—

> "That the instigator of the plot (a Brahmin of the name of Untajee) was a man of the most worthless and unprincipled character, who was guilty of the grossest prevarication and deceit, on whom it was impossible to place any reliance. The native officers admitted that they had perjured themselves when they became the confederates of the Brahmin, by taking an oath of secrecy which they never intended to keep."

There were, therefore, three charges against the Rajah of Sattara. One was the charge with respect to Don Manoel, the Governor of Goa, which I have already disposed of upon the evidence of Don Manoel; the next was the two soobahdars who, it is acknowledged, perjured themselves; and the third was a case of a letter which was proved to have been written by another person. However, to proceed with the right hon. Gentleman's argument, we now come to his reference to Sir James Carnac; and here again the right hon. Gentleman lays down a doctrine which Sir James Carnac seems to have adopted, that the duty of the Rajah was most implicit obedience. It seems to me that these Indian officers seem to consider they are like the emperors of the Roman empire, and that these princes are mere tools or puppets in the hands of the officers appointed to be their controllers or guardians. But I must confess, that if we are to interpret the treaty in this way, there is no possible chance of free volition on the part of any of these tributary princes. The right hon. Gentleman seems to consider that it was a kind of treason on the Rajah to state that he objected to be treated like a common mahajan. I can easily conceive, that he might object to be treated in such a puerile manner, and not commit any very great crime. The right hon. Gentleman seems to think that a throne in India is a mere bauble, and may be taken away from these unfortunate princes just as though they were children or infants; and the slightest act, not of disobedience, but the slightest act of petulance, in the notion of the right hon. Gentleman, forfeits a throne. For my own part, I do conceive that that is taking too strict a view of the letter of the law, and acting in contravention to its spirit. Then, Sir, the right hon. Gentleman seemed to think he had gained a victory over my hon. Friend the Member for Montrose, because he showed that the Rajah had not gone (as my hon. Friend stated) positively a beggar to Benares. The question is not whether the Rajah was a beggar or not; but the question is, whether the Rajah has had justice done him. It is not a question whether he was rich or poor, but whether the treatment of the Rajah was just or unjust. The right hon. Gentleman says, he was not hurried off in the manner that has been stated. He was not hurried at once to the place where he now is; and the right hon. Baronet thinks, that because he has shown that he was not hurried off, but sent a few miles from Sattara, therefore those who carried him off were justified in so doing. But how was the Rajah treated? True, he might not have been hurried off to a great distance; but he was conveyed to a miserable place in the neighbourhood of Sattara, and placed in a kind of cottage where he was kept confined; and the statement which I have in my hand, and which I have reason to believe to be true, says that the Rajah was taken not to a village at a distance, as was stated on one occasion, but

—"to a mean-looking dwelling into which he was conveyed; it did not appear at all suitable for the reception of a fallen Prince, who a few days before had expressed his anxiety to be relieved from the cares of Government. It was quite evident cattle had been kept there, and it was overrun with rats and vermin."

That is the statement which I hold in my hand, and which I believe to be true; and therefore, although the right hon. Gentleman may state correctly that he was not hurried off to a distance, it appears that he was quite as badly treated, or worse treated, nearer home; and therefore the right hon. Gentleman makes very little advance in his case, by showing that the statement that he was hurried off is not sustained by the truth. Then, Sir, the right hon. Gentleman repeats that Lord Auckland was convinced of the guilt of the Rajah. In answer to that, again, I repeat that Lord Auckland was convinced that the Rajah ought to have another trial; and reference has been made to the opinion of Mr. Edmonstone. Mr. Edmonstone states that it is a political case. If we are to justify all these violations of justice towards Indian princes by calling them "political" cases, there is an end of all justice whatever; and then indeed policy will mingle itself with justice; and whatever might be the aspect before a judicial court of any case respecting these unfortunate princes, you have only to say the case is a political one, and you may withdraw it from the reach of justice, and consider it as a question of policy. If that is the way we are to get rid of appeals to the House of Commons such as the present, adieu to all justice—expediency must be considered in the place of justice, and policy assumes the place of right. Sir, the right hon. Gentleman justifies the fact of its having been a Secret Commission, by saying that commissions in India have always been secret. If that is the case, he might justify the Inquisition in Spain, by showing there had always been inquisitions in Spain. Because there has always been an abuse, is that a reason that the abuse ought to continue? and are we not better satisfied in England if we find that a commission has been a public and fairly-conducted commission, than if it has been a secret one? I think the right hon. Gentleman has established nothing by saying that secret commissions are customary in India. Sir, I do not think the right hon. Gentleman has at all established his case. I think the great argument of my hon. Friend the Member for Montrose remains unshaken. My hon. Friend may have been convicted of error in some matters of detail; he may have made some mis-statements; but that signifies nothing. The great *gravamina* of the case remain unshaken; and my hon. Friend has established injustice towards the Rajah. He has shown, in my opinion, that the Commission was not conducted properly; he has shown that the Rajah was taken away from his palace in an improper manner. But there was one point to which he did not allude, and to which I think reference should be made before this case is concluded; and that is, the artful mode in which the agents of the Rajah, who brought this case forward in this country, were attempted to be prevented from leaving India. I believe I am justified in stating that eight of those agents of the Rajah, finding that justice could not be obtained in India, attempted to get away. At Bombay the hands of the Government were laid on those agents. First of all, the Advocate General attempted to stop them; then the chief officer of police attempted to stop them; and last of all the custom-house officers stopped them. The Advocate General was called upon to give his opinion as to the legality of preventing the departure of those agents; the Advocate General gave his opinion that preventing their departure was illegal. The Government agents went at last to the office of the customs, and told them that the Rajah's agents were going to sail in a French vessel; the officer of the customs would not allow the vessel a clearance with those eight agents; therefore the vessel sailed without them, and they remained until they found a British vessel bound for Liverpool, and not being able to prevent their going by a British vessel, these faithful servants of the Rajah found their way to this country. They remained here a considerable time in distress; and at last they all left except one gentleman, who now represents the Rajah in this country. Unless these agents had come over in the manner I have described, and unless they had been vigilant servants of their master, this case would not have been heard of. I think the Government of Bombay, acting in this manner, affords a strong presumption that they had some very powerful reason for wishing to exclude inquiry. My hon. Friend the Member for Montrose did not allude to this part of the case; but I think it is one that merits consideration. Sir, I have attentively considered every portion of the question; and, judging as calmly as possible, as a man coming with an impartial desire to listen to both sides of the case, I must say that I think it is only by what I may call special pleading, that the right hon. Baronet the President of the Board of Control has attempted to justify the conduct of the Government of Bombay. I think the more substantial reasons stated by my hon. Friend the Member for Montrose, justify the interposition of the House and the country. I think the right hon. Gentleman would have done well, if he had agreed to some species of inquiry. Would it not be wise and just that some kind of investigation at least should be established? Sir, I have the pleasure of reflecting that at all events if the Government of India, or if the Government of this country, attempt to shut out inquiry in a case like this, the constitution of this country has provided that this House shall be a tribunal by which justice shall be conceded. For many years the Agent of the Rajah has in vain endeavoured to obtain justice in this country. I doubt whether even the Court of Directors, at a meeting of proprietors, listen to a case of this kind as they ought. I doubt whether the great authority of the Directors does not sway the minds of the proprietors. But be that as it may, the constitution has happily provided this House as a last resort of those who appeal from injustice to justice; and in that capacity the Rajah now comes before the Parliament of this country. I believe the character of the Government of India, as well as the character of the Government of this country, is concerned in this matter; and I trust that an inquiry will not be refused upon such an occasion as the present by the British Parliament.

Mr. BORTHWICK: Sir, I shall only say a very few words upon this matter. I have listened with very great attention to the case which was opened by my hon. Friend the Member for Montrose; and also to the able address which has been delivered by the President of the Board of Control; and I have listened attentively, because I was not acquainted beforehand with the details of the case. No one can have sat in this House so long as myself without having heard of the case generally, and without having heard it debated more or less in this House; but I was not possessed of any previous intimate knowledge of any of the facts upon one side or the other. Sir, the impression that was created in my mind by the speech of the right hon. Gentleman the President of the Board of Control was, that he had completely established the case of the hon. Gentleman the Member for Montrose; and I could not help feeling, as he proceeded step by step in his argument, that he had some sort of secret leaning towards the Motion of my hon. Friend, and that he was determined in some manner or other to grant the inquiry which the hon. Gentleman required. I do not know, indeed, why the right hon. Gentleman made a show of opposition to the Motion of my hon. Friend, unless it were that he partook in some little degree of the character which he has ascribed to the Rajah of Sattara of being sly and cunning. I am sure that no one who hears me will suppose that in this House, where the right hon. Gentleman is so well known, I could attribute these qualities to him in any invidious sense. But there is a description of slyness which becomes diplomacy when it amounts to a certain degree, and then it is considered honourable; but when it is used in the manner in which it is alleged to have been used by the Rajah of Sattara, it is only slyness, and then it is discreditable. The right hon. Gentleman opened his address by telling us that the Rajah of Sattara was born in a prison—that his father—and I suppose his mother—were prisoners—and that being born in a prison he acquired the character of slyness and cunning. He grew up and showed himself to be rather a sly boy. For which of his qualities was it that the Indian Government gave him a Throne? The right hon. Gentleman quoted from General Briggs or some other authority; and I understood him in his address to admit that that Gentleman spoke from the documentary evidence in his hand, and was not giving any opinion of his own. That was another reason why I thought the right hon. Baronet was secretly in favour of the Motion of my hon. Friend the Member for Montrose. But I want to know for which of the qualities which the Indian authorities discovered the Rajah of Sattara possessed was it that they gave him a Throne? After twenty-one years, they found his conduct as a Prince—whether dependent or independent I will not dispute—they found his conduct as a Prince, in a dependent relation, if you like, with the Government of India, so excellent, and they were so pleased with his conduct, that they intended to give him a sword, and they had a sword actually made for the purpose of presenting to him. [Mr. HUME: They sent it, but he did not get it.] I suppose the opinion expressed upon that occasion, on the part of the Indian Government, may very fairly be taken, that at that time, after twenty-one years' experience, they were satisfied that his conduct was considerably above the average of excellence attained by princes in India; for I do not remember in the slight acquaintance I possess with Indian affairs, to have observed any present given either of swords or anything else to princes in that country. In short, slyness and cunning do not appear to be peculiar only to this Prince, but to be possessed by many princes in India; and the right hon. Gentleman gave us a curious example in the case of the Nabob of Kurnaul, who had arms bricked up in the walls of his Zenana. After twenty-one years' experience, it is admitted on all hands that this Prince stood high in the estimation of the Indian Government; and now some suspicions were created in the minds of certain Indian authorities of an intention on the part of the Rajah of Sattara to unite himself with certain Powers against the Indian Government; and that he did this most ungratefully must be admitted, if he did it at all, because he did it against the Government who had found him in a prison, a cunning sly boy, raised from that unhappy position to the elevated dignity of an Indian Prince; and after a lapse of years he had gained so fully their good opinion that they agreed to present to him a sword to induce him to continue his good conduct. Well then, Sir, I pass over all the details and the opinions given by General Briggs and other authorities who have been quoted; and I come to this great and broad point, that a petition was presented to this House, signed by Sir Charles Forbes, containing (as the right hon. Gentleman has stated) matter that was absolutely libellous against Colonel Ovans. He has told us that that petition asserted that Colonel Ovans had entered the palace of the Rajah of Sattara at midnight; that he dragged him from his bed; and he mentioned other details of the outrage with which the removal of that Prince from his palace was accompanied; such, for example, as the death of Balla Sahib, and the refusal to halt when a lady was about to be confined. The hon. Gentleman read the opinion of Colonel Ovans himself; and Colonel Ovans declares that he is ready to depose upon oath that he never did perpetrate any of these atrocities. [Sir J. C. HOBHOUSE: And he appeals to three officers.] And he appeals to three officers as witnesses of his conduct, who were present, and who saw all that passed. The woman, he says, had ample time to be confined—the husband died of apoplexy. Up to the moment of his death, the husband was perfectly well; and the Rajah, instead of being removed from his palace at midnight, came down stairs without assistance, and joined Colonel Ovans, and travelled with him at the rate of nine miles a day, and was quietly deposited in Benares, where he was offered and enjoys the abundant provision of 12,000*l.* sterling a year. That is the account of Colonel Ovans; and he declares that he is ready to prove it by competent witnesses—gentlemen of high position, English officers, who were present, and who saw all that passed; and the right hon. Gentleman says, "I believe the Colonel: first, because his general character is such as to warrant me in accepting his declaration; and, secondly, because he demands an investigation into his case. Why, that is precisely the case of the hon. Member for Montrose. The hon. Member for Montrose says, "I want investigation into these charges, with a view to criminate Colonel Ovans." I, for one, would not consent to listen for a moment to the speech of my hon. Friend, if I supposed that he came here with the vile purpose of condemning an officer without inquiry. But it is said there are libellous and scandalous things said against Colonel Ovans. Are there no very severe things said against the Rajah of Sattara? Has he not been called first of all "sly" and "cunning," and afterwards "ungrateful, ambitious, and treacherous?" I know the answer will be, that it has been proved before competent authorities in India, and that these competent authorities in India have declared their conviction that he is guilty; but a Member in the English House of Commons stands up in his place, and says, "Give me a Committee, and I will undertake to prove that offers were made to the Rajah of Sattara, promising him indemnity and certain rewards if he would only confess his guilt!" Now, I am sure that no one more readily than the right hon. Baronet himself would say, that, if such a proceeding ever did take place, it deserves not only inquiry, but condemnation. The right hon. Gentleman says, that such circumstances never did take place. If such a circumstance never did take place, what will be the result of the inquiry for which my hon. Friend the Member for Montrose asks? The result of the inquiry will be to establish beyond all doubt the innocence of those gentlemen for whom every Member of this House cannot but feel himself interested; because it is impossible to resist the appeal which the right hon. Baronet made in his eloquent peroration to this House, in which he told us, "If you are to continue in the possession of that wondrous empire that has arisen within the last century in India—if you are to sustain that mighty power upon which your Government depends—you must support the dignity of your servants, and defend their honour whenever it is attacked." How can you defend the honour of Colonel Ovans and the other officers who are concerned in this matter, by any means half so efficient as those proposed by my hon. Friend the Member for Montrose? The right hon. Gentleman assumes the innocence of Colonel Ovans, from his wish to proceed to an investigation. I admit the justice of such an argument; and it is right also, on the other side, to infer the innocence of the Rajah, from his anxious desire to have an inquiry. If he were a mere sly, cunning, and treacherous hypocrite, he would at once very willingly sit down with his 12,000*l.* a year in Benares, and give himself up to the luxuries which 12,000*l.* a year in an eastern clime will procure. Is it true, or is it not true, that it has been offered that if he abandoned the further prosecution of this business, he would find his 12,000*l.* a year increased? Is it true, or is it not true, that larger advantages would be given him, in addition to those which he now enjoys, if he were to admit his guilt, and if he were to desist from the prosecution of his appeal? If that be so, am not I, sitting here as a judge in this case, bound to deal out even-handed justice to both parties, and to say that while I admit, on the one hand, the argument that Colonel Ovans must be innocent, otherwise he would not challenge inquiry, that the Rajah of Sattara also, on the other hand, must be innocent, otherwise he would not press for an investigation. I think that if the Rajah of Sattara be guilty of the deep damning treason with which he is charged, it is not fair that he should be enjoying 12,000*l.* a year in Benares. If the Rajah of Sattara has been guilty of such dark treachery and base ingratitude against the Power that made him all he was—that gave him possession of a throne—I say, if he be guilty, he deserves to die the death of a traitor; and you will much better vindicate your position in India by visiting him with the stern and just punishment he deserves, than by rewarding him with a pension of 12,000*l.* a year, and a comfortable palace at Benares. Sir, the right hon. Gentleman says, that a Committee of the House of Commons will not efficiently investigate this case, and that it could only look at the blue books; and that the House of Commons is so overwhelmed with evidence of that sort already, that the probability is, nothing would result from such an investigation. But before a Committee Colonel Ovans might appear, and the three officers to whom he alludes, might appear; and it does seem to me that you can establish your authority by no better means than by showing your subjects and the independent Princes of India that there is an appeal against abused authority; that that appeal lies before the High Court of Parliament; and that the great empire of India, sustained by the Crown of Great Britain, is not more extensive or more powerful than it is characterized by justice in all its proceedings; and that we are determined that our servants shall be maintained when they are right, but that they may be condemned where they are wrong. Now, Sir, the right hon. Gentleman tells us that Mr. George Thompson found a secret paper on his breakfast table; and he abuses those persons, whoever they may be, who obtained possession of that paper. I would abuse them too. I do not know anything of Mr. G. Thompson, except that I remember him as a very eloquent and very powerful opponent, and as no friend of mine; therefore I should be the very last man in the world to sympathize with any case which

Mr. George Thompson brought forward, merely because it was brought forward by him. My prejudice and inclination would naturally lead me, if I were to be swayed by personal considerations, to throw my weight into the opposite scale. But sitting in this House, I am not to allow personal considerations to enter into such a matter; and as I have listened with patient attention to the gradual development of this case from the first sentence of the speech of my hon. Friend the Member for Montrose, to the conclusion of the speech of the right hon. Baronet, I cannot help giving it as my humble opinion—that it is due to the Rajah of Sattara—that it is due to Colonel Ovans and the other British officers implicated in this business—and that, above all, it is due to your power in India and the character of the British empire—that an investigation should at once be proceeded with under the authority of Parliament, and with its sanction. The result of such an investigation cannot be injustice to any one. If these officers should be proved to be guilty, it will establish your power by purifying your administration, should they fall below the stain that their conduct has brought upon them. If, on the other hand, they be found innocent, they will in future be respected throughout India and all over Europe. But if you leave the case as it now stands—a Member of the British House of Commons having upon evidence plausible and striking and coherent, made out a *primâ facie* case for inquiry, and inquiry be refused, no one who is not as well acquainted with all the details of the case as the right hon. Baronet himself, can possibly rest satisfied. Sir, I hope the time will never arrive, when the High Court of Parliament shall cease to be the ultimate court of appeal against all alleged injustice perpetrated in every part of the British possessions. It has been said, that such an authority ought not to be appealed to, except in cases of great urgency and of unquestionable character. Why, if a case was quite unquestionable, there would be no need of appeal at all. It is not because I am a partisan of the Rajah of Sattara; with the facts of the case I am not sufficiently acquainted, to be so: it is not because I am a partisan of the officers under the Indian authorities of Her Majesty's Government; I am not sufficiently acquainted with the case on their side, to be so; but it is because I stand up here for Her Majesty's Government—for justice to the right hon. Baronet and his Administration—that I declare my determination of voting with the hon. Member for Montrose, if he shall go to a division upon this question: and if he shall not go to a division, I trust he will obtain from the right hon. Baronet some sort of inquiry, by virtue of which we shall have placed upon the Table of the House the merits of this case; so that Parliament may give an unbiassed decision upon the whole of it, from beginning to end, and strengthen our Indian empire.

Dr. BOWRING said, there had been five successive Residents at the Court of the Rajah of Sattara, and that four of them bore earnest testimony in his favour. They had the best means of local information, and their opinion was entitled to the greatest weight. Even at home, where there was always a strong desire to justify and support the authority of the functionaries employed in India, of the Directors of the East India Company, eight might be considered in favour of the Rajah, eight unfavourable, and the rest neuter. With respect to the charge of suborning the naval officers, it was a mere invention, with no consistency, no congruity, and no similarity in the statements supporting it. Every one witness contradicted every other; and if the depositions of the two principal parties —the suboudars—were compared, they would be found at every step wholly irreconcilable with truth, or with one another. The other charges of intriguing with the Governor of Goa, and the like, were of a frivolous and unimportant character. The case had excited great interest out of doors. That interest was rapidly increasing. There was a feeling in the country that the Rajah had been greatly wronged, and that the appeal which had been made to the benevolence and the justice of this great country, though hitherto made in vain, would not be made in vain for ever. He (Dr. Bowring) would feel great gratification if the right hon. Gentleman would consent to an inquiry into the case, which alone would satisfy the demands of public opinion.

Mr. BICKHAM ESCOTT: Sir, I should not have taken up the time of the House upon this occasion, but that it seems to me the case made out by my hon. Friend the Member for Montrose is to go to a decision of this House, without any answer on the part of those who support the sentence, and the deposition of the Rajah of Sattara. I say that advisedly, for up to the present moment no answer has been given to the statement of my hon. Friend. Sir, I know the reason of that. There sits a Gentleman opposite, the late Chairman of the Court of Directors; he knows this case perfectly well. He has not risen to give any answer whatever to the statement of facts which has been brought before the House by the hon. Gentleman; he sits mute; he knows, I suppose, that if we go to a division, the majority, following the course which has been pursued by a former majority of this House, will support the view which he entertains of the policy, not of the justice, of keeping the Rajah in his present state of exile and banishment from his throne, his home, and his dominions. The right hon. Gentleman expressly drew that distinction. He says, it is not an inquiry into which we should lightly enter; it is a question of policy; and, because in the opinion of some, who in my humble judgment are very superficial judges of the real state of our Indian empire, and of that by which that empire must in future years be supported—because in their judgment it is politic to support injustice; therefore the Rajah should be still kept an exile from his throne and his dominions. I listened attentively to the speech of the right hon. Gentleman; and he will forgive me when I say, that no answer has been given to the charge which was made. I say that advisedly. The right hon. Gentleman commenced his speech by saying, that this was a case which for eight years had been debated in Parliament and in the India House; and because it has been debated for eight years, is the reason, or one of the reasons, why justice is not now to be done. But he went on to state, that the sentence passed upon the Rajah depended for its validity upon two considerations. He said, that it depended upon written documentary evidence, and that that written documentary evidence was to be considered in relation to the treaty which had placed the Rajah of Sattara upon his throne, and the infraction of that treaty by the Rajah. I thought it was a fair opening and a fair statement of the case, which I supposed the right hon. Gentleman, with his consummate ability, was about to lay before the House. I expected he was about to state to the House, the terms of the treaty upon which the Rajah was placed on his throne. [Sir J. C. HOBHOUSE: I read them.] If the right hon. Gentleman says he read the treaty, then no doubt I am under a misunderstanding; my ears were closed, and I did not hear him. If he says he read the treaty, I have no doubt he did so. [Sir J. C. HOBHOUSE: I alluded to it.] The right hon. Gentleman alluded to it; but I listened for those parts of the treaty and those parts of the written evidence which he meant to adduce as showing that the treaty had been infringed and violated by the Rajah of Sattara. That is what the right hon. Gentleman should have done; and when he had read those parts of the treaty, and alleged that the Rajah had violated it, he should have laid before the House the evidence upon which he depended for proof of the infraction of the terms of the treaty by the Rajah of Sattara. That would have been a clear and honest case. It would have been a case, no doubt, into which political considerations might have entered, and ought to have entered; but upon which the House of Commons, sitting in judgment upon the political conduct of authorities in India, might have passed a clear and honest opinion, whether the accusations justified the deposition of the Rajah. I say again I listened to the right hon. Gentleman; I do not believe he ever stated the terms of the treaty which he said was specifically violated; and I am quite sure, he stated no one particle of documentary evidence to prove a violation of the treaty. Well, then, I assert the case has not been answered, because I am taking the right hon. Gentleman's own statement. He said it depended upon documentary evidence, and he said it depended upon the infraction and violation of the treaty. Unless he shows the treaty, and shows evidence to prove a violation of the treaty, he has not advanced a step in proving that the Rajah was fairly and justly deposed from the throne. When I say the case has not been met, of course I do not mean to say that the right hon. Gentleman has not made for his own purpose—and when I say for his own purpose, I mean for the purpose which I believe would have actuated any President of the Board of Control whom I have seen sitting on the bench where the right hon. Baronet now sits—I do not say that he has not made a very clever defence for his own purpose, and that he has not made a speech which those who do not cautiously and scrutinizingly examine it, would think a very good defence of the proceedings of the Bombay Government; and, therefore, I now proceed, in a word, to examine what that defence is. He has not stated the treaty, he has not treated the evidence upon which the infraction of the treaty depends. But what has he done? He has read to the House a string of opinions of official Indian servants in defence of that very Government by which they are employed, and from whom they obtain their daily bread. And the opinion of those official servants in defence of the Government that employs them, is to be an answer to the House of Commons when it is called upon to judge whether the acts of that Government were just or unjust. Then, Sir, let us for a moment see what weight is due to these opinions which the right hon. Baronet has read. He dwelt with some stress upon the opinions of the Residents at Sattara. I should have thought it unlikely that those who were employed and in the pay of the Indian Government, and who derived their official dignity and their daily subsistence from that Government, deposing against it; and I should have doubted whether their authority, if it were given in favour of the Government, and against this deposed Prince, were worth very much. But if the opinion of those very individuals which have been quoted by the right hon. Gentleman are not against the Rajah, but in favour of the Rajah, what becomes of the case which the right hon. Gentleman has to make? If four out of five successive Residents, having formerly given opinions in favour of this trumped-up case against the Rajah, are now repentant, and, in the sackcloth and ashes of their heart, regret they ever said one word against the Rajah, whom they believe to be an innocent and an injured Prince—I say, if the opinions of these gentlemen are brought forward, it is about the strongest fact that could be adduced to prove that this was a trumped-up case, and that the opinions they formed in the first instance were formed under some influence, or upon some false evidence which was laid before them, and which the moment they came to sift and examine as honest and honourable men, detached from office, and free from the trammels of obligation, they felt they could do nothing else than alter, consistently with their own character, and as a debt of justice which they owed to this man. I say they were sorry for what they had done, and will lament it to the last hour of their existence. That is the course of four gentlemen out of five of those whose opinions were read by the right hon. Gentleman to prove the guilt of the Rajah of Sattara. I will not quote their language; but nothing can be stronger than the way in which General Lodwick, General Briggs, General Robertson, and Captain Grant Duff, expressed their regret that they should have been led unawares into any expression of opinion against the Rajah, whom they now believe to be innocent of all these charges. Why, really Sir, then, is not the time come when this question must be inquired into, in reference to a feeling which has been well alluded to by the right hon. Gentleman? I only lament, that in alluding to that feeling, he should have attributed it to a very different cause than that which has really existed. I do not believe that the feeling which exists among the great mass of the better-educated portion of society in this case—I do not believe that that feeling is due to a somewhat exaggerated statement about the mode in which the Prince was carried from the throne on which he had sat, to his place of exile. I do not believe that will weigh a feather in the balance of their judgment on this question; but what they think is this—that the man has been unjustly deposed. They think, that when that charge was made, those who were in authority both in India and here, refused to give him a hearing; they think your very reluctance to enter into an examination of these charges, proves that you yourselves imagine there is no real foundation for them. That feeling has been very much added to within the last few weeks. I told the hon. Gentleman on a former occasion what I thought of his mistaken conduct with reference to the production of certain papers. The holding back of any evidence in a case of this kind, excites the feelings of those who are indignant at that which they suppose to be a great wrong already committed. It was said, that certain papers were held back, because copies of them had been surreptitiously obtained. Why, the Rajah did not surreptitiously obtain those papers. Do not make the surreptitious conduct of some other nameless individual—I know not who he may be—do not make that the ground of withholding evidence which may tend to show the innocence of this man, who is not at all guilty of having purloined these papers, or done any dishonourable deed in relation to them. That is the circumstance which makes the people feel, as they do feel, anxious upon this question. As the right hon. Gentleman says, the civil servants in India must be upheld; but do not tell the people in India that the civil servants of the Government of Bombay or any other Government must be upheld by an act of injustice. Well, but then, Sir, it is a question of justice, and not of politics, after all. How are you to know whether they have behaved unjustly or not, unless you inquire into this case? The charge is, that he has been unjustly deposed. You bring no evidence to show that his deposition was just, but you state opinions. Do not believe this can rest here. It is said that this is the practice. I remember the phrase the right hon. Gentleman used—"This is no new case; other princes have been deposed." Is that a reason why this Rajah should be so deposed? When other princes were so deposed, you had no free press in India. Do you believe that the Government of India, any more than the Government of this country, could be long maintained, unless from a sense that by the educated, the powerful class of the people, and the great bulk of the people, somewhere or other, justice will be done, and that the law will be open to them for their legitimate complaints. Here is a case in which you produce no evidence—in which you lay no foundation whatever to support the statement of this man having been deposed justly. You refuse to inquire: you say that it was unsafe to do it; and you thus forward injustice in refusing inquiry; an injustice which I do not charge exclusively against the right hon. Gentleman, who has only followed the preceding Government as well as this; and I believe no doubt will be followed to-morrow by any Government we are likely at the present moment to see in power; therefore it is no personal charge against him; but I say, it is a grievous thing, and a blot on the character of this country, and until this case is cleared up, it will remain a blot on English justice to the end of time.

SIR T. E. COLEBROOKE: Sir, I cannot myself reconcile it with a sense of justice to give altogether a silent vote upon this question. I have upon a former occasion gone into the subject; and I cannot this evening pass it over altogether unnoticed. I will not travel out of the line of defence taken by the right hon. Gentleman at the head of the Board of Control. I think it was a fair line of defence; I think, if he could show satisfactorily to this House, that this question had been impartially considered by the Indian authorities, as being proved in a court of law, that he would have made a *primâ facie* case to this House for resisting any further investigation on the subject. I know the difficulty of this House entering upon any question involving a large mass of judicial evidence. They must, in dealing with this question, naturally ask, whether the principles of justice have been in general maintained in India in the course of the inquiry; whether it has been conducted in a manner likely to elicit the truth; and whether the plan pursued has been of that fair and impartial character which would naturally carry with it the sentiments and judgment of this House. It is because my investigation of the case has led me exactly to the opposite conclusion—it is because my inquiry into the opinions expressed by the Indian authorities, and the mode in which the inquiry had been conducted there, has led me to a strong conclusion that a great act of injustice had been perpetrated—that I now stand prepared to support the hon. Member for Montrose in saying that this question ought not to rest here; but that it is due to the character of this House and the country that some inquiry should be made. Sir, I am afraid the discussion, particularly in the beginning of it, took a turn, not of a personal character, but turned on the nature of the Indian authorities. I am happy to say, with regard to myself, that in the inquiries I have entered into on the subject, I have seen nothing in any way reflecting on the character of any of the individuals engaged in it. I think some parts of the mode in which the inquiry was conducted in Bombay, was repugnant to justice, and that it was of a discreditable nature; but I think the judgments pronounced were from the sincere and earnest conviction of those who gave them. But certainly the right hon. Gentleman at the head of the Board of Control, has not entered, as I thought he naturally would, into the opinions expressed at home. Those opinions naturally rest on the inquiry carried on in India. They go thus far—and so far I give full weight to them—that the majority of the Court of Directors came to the conclusion, that the inquiry had been properly conducted in India. But he has given no reply to that quotation of his own opinion—an opinion expressed strongly on this case—which was quoted by the hon. Member for Montrose. On the occasion of the former debate he expressed his firm belief, in the most decided way as to the non-existence of the Goa conspiracy.

SIR J. C. HOBHOUSE: I quite forgot that part of the statement of the hon.

Member for Montrose. The fact is, I never made use of that expression at all. I ought to mention that what I stated was this, that I thought the thing itself was utterly contemptible—the Goa business; yet I did not say that I considered the Rajah was not implicated in it, but that the thing itself was too ludicrous and contemptible to be entertained; that is, that there should really be an invasion of India by the Portuguese at all. That is all I stated; but I know that it was reported differently.

SIR T. E. COLEBROOKE: I hold in my hand a report of that debate, not merely reported by the Journals of this House, but as published by the right hon. Gentleman himself. [Sir J. C. HOBHOUSE: That is not my publication.] Certainly it would have been better that the right hon. Baronet should have corrected it as it went to the world. [Sir J. C. HOBHOUSE: I never published any pamphlet of the kind.] Here is a report of the right hon. Gentleman's speech made in this House. The right hon. Gentleman could have corrected it if he pleased:—

> " The hon. Gentleman had accused him of believing"—[that is, referring to the hon. Member for Shrewsbury]—" that the Rajah of Sattara was about to bring 30,000 Portuguese from Goa to invade British India. Where the hon. Gentleman learned that, he (Sir J. Hobhouse) knew not. He had seen some trumpery statements in a newspaper that he had said something of that sort; but the truth was that he had never said so. As President of the Board of Control, he knew that those charges were brought against the Rajah of Sattara; but to say that he believed them was what the hon. Gentleman had not the slightest foundation for saying."

Now, Sir, I certainly rest my defence of the vote I am about to give, on the opinion so strongly expressed by the right hon. Gentleman the Member for Montrose. With regard to the opinions in India, they rest, in the first place, upon the opinions given by the Government in Calcutta, and on those opinions given by the Government at Bombay. Now, with regard to the opinion of Lord Auckland, the difficulty I feel on the subject is from the variety of opinions that noble Lord has given. When the case was first investigated, as the right hon. Baronet has stated in the course of this evening, he gave a strong opinion of the Rajah's guilt, and further that he ought to be deposed. But when the rest of the fact came before him he gave a different opinion, and treated the whole question in a contrary manner, and ordered the Bombay authorities to dismiss the question. Then he was twitted and taunted by the Bombay Government with his change of opinion, and a number of long Minutes were sent up by Sir Robert Grant to him, upon which he changed his opinion again. He came back to his first opinion, and he said that he censured the whole proceeding—that he considered the Rajah was guilty—but at the same time he shrunk from that act which was eventually carried out of dethroning him without asking for a defence; and he instructed the Bombay Government to present him the mass of evidence, and hear the Rajah's defence. Well, the Bombay Government's answer was conclusive, that it was impossible to carry out any inquiry so long as the Rajah occupied the Throne; but that any inquiry that could be carried out, must be preceded by the deposal of the Rajah. Well, this came back to Lord Auckland; and Lord Auckland felt that he could not dethrone the Rajah without hearing his defence; and he could not put him on his defence; and the result he eventually came to was, " I am, it is true, of opinion that this man is guilty; but other persons may inquire into his innocence, and therefore I refer the matter home." Now, that I may not be accused of exaggerating the case, I will read that last and best opinion of Lord Auckland, which is expressed in two sentences. It is to my mind a perfect sample of the sort of perplexity in which the Indian Governments are involved when they get into proceedings of this kind:—

> " The reasons urged by the Resident, and concurred in by the Government in Council, are sufficient to satisfy me that it would not be right to persevere in the course which I had previously recommended, and to present to the Rajah a written statement of the charges, and the proofs against him, calling upon him for an answer. It is anticipated by the Resident that this course would lay the Government open to such proceedings on the part of the Rajah and his advisers as could only lead to fresh embarrassments."

Then he goes on to explain the difficulties on the one side and on the other, and recommends the postponement of the case:—

> " I am the more impressed with this feeling, as, while I am myself satisfied of the treachery and extravagant machinations of the Rajah, I can conceive it possible that weakness may be discovered by others in so complicated a tissue of evidence, or that an excuse may be found for the acts of the Rajah in their folly and wildness, or that the scandal, excitement, and hazard of failure, with which the measure proposed would be attended, might lead to its rejection in favour of some mitigated proceeding of reproof and warning and security."

Then he ends by referring the matter to the authorities at home. In fact, any inquiry which any hon. Member would take the trouble to make into this case, would satisfy him that the whole investigation resolves itself into that history of these intrigues that were carried on in Bombay. With regard to the opinion of Sir Robert Grant, I may say, that within the last three days I have taken the trouble to read those ponderous Minutes on the subject; and there is nothing more unsatisfactory to my mind than the conclusion at which he arrived. I find throughout, that he displayed an eagerness and an anxiety to make out his point, which savours much more of the advocate than the judge. If the House will bear with me, I will read the first paragraph of the Minute he made, and then leave the House to judge whether it is a Minute on which they can rely for the decision of such an important case. I cannot but express the strongest astonishment that the authorities at Calcutta, and the authorities at home, should have sanctioned such proceedings on a judgment so pronounced. This Minute was written after a censure of their proceedings by the Governor General, and after an order was given to withdraw from the investigation.

> "I need not say" [says Sir Robert Grant], "that in the early stages of the present investigation, our proceedings had the good fortune to meet with the entire approval of the Government of India. All the information, however, which we could then collect, was derived from a few sources, and was comparatively scanty; and the Government of India expressed a wish for further information. We exerted ourselves to meet that wish; and, in entering a more extended field of inquiry, we were acting, as we conceived, immediately by the directions of that Government, and securely counted on their sanction and countenance. The various clues to discovery, therefore, which the first inquiry suggested, were followed out with diligence, and a mass of new evidence has been elicited; but no great progress had been made in this work when the Supreme Government was pleased to disapprove of the course we were pursuing, and to call on us to terminate it at the earliest possible moment. To close our proceedings abruptly would have been fatal to the reputation, not only of this Government, but, as I conscientiously believe, of the British power in general, for wisdom, firmness, and justice. The responsibility, however, of going forward, even to a limited extent, was heavy and painful. It is astonishing how quickly the opinion gained ground at Sattara, that the Bombay authorities, in the active measures in which they still persisted, were seriously compromising their credit with the higher authorities to whom they were accountable. Animated by this belief, the parties whose interests the inquiry threatened to affect adversely, made every attempt to thwart or elude it; and, rich and unscrupulous, they had in no small degree the means of accomplishing their object. The public press of Bombay, meanwhile, rung with necessarily uncontradicted declarations against our cruel, oppressive, and inquisitorial conduct. To attacks like these, no powers of language that I possess can adequately represent my profound indifference, so long as I both know them to be unjust, and feel myself sufficiently supported to be enabled to proceed with a firm step in that path which the public interests prescribe. But unhappily these invectives, which in fact emanated from well-known intrigues at Sattara, reacted on the impression at that place, and aggravated the difficulties of the inquiry in which we were engaged. Thus situated ourselves, we yet felt it our duty to give no cold or vacillating support to the able and zealous officer immediately charged with those inquiries. Through good and evil report we have persevered—have taken it on ourselves to protract to the latest moment that cessation of operations which had been enjoined, and, though even some lines of inquiry remain unpursued, have at length acquired a sufficient body of facts to settle, as I believe, the question at issue. Under these circumstances, however, it cannot be denied, that the character of the Bombay Government is almost as deeply committed on the event of the present discussions as that of the ruler of Sattara. We owe it to ourselves to show that we have not acted lightly, or harshly, or credulously; that, from first to last, we have had no object but the discovery of truth, and have taken no measures but such as that object justified; that there were good and rational grounds for the several inquiries instituted; and that those inquiries have been uniformly prosecuted with judgment, with prudence, with all practicable despatch, and with the utmost consideration of the feelings and interests of individuals, which could be made to consist with a supreme regard to the ends of justice."

Now, Sir, I shall only add further, that I think the case of the hon. Member for Montrose mainly rests on the important fact which he alleged at the beginning of his speech, that this Prince has really never been put on his defence—that the evidence has never been subjected to a scrutiny such as would have been elicited if the parties had been allowed to scrutinize and cross-examine. The right hon. Gentleman has said there was one investigation. Certainly, there was one investigation with regard to the first matter of charge stated against the Rajah; but I will venture to say, and I defy contradiction on this point, that if this question had rested there—if the charges against the Rajah had been confined to that sort of accusation of an attempt to debauch some of our troops—all the investigations and all the evidence connected with it would have been consigned to the rest of the records of the East India Company at home and abroad. But with regard to the other and the main charge brought against him, that of the alleged conspiracy with the Government of Goa, the Rajah of Sattara was never made acquainted with those charges until they were published in the blue book by this

House, and sent out to that country. The right hon. Gentleman has said that this question was dealt with politically; and of course one would attach what weight the House would apply to an opinion so expressed; but my impression is, that no inquiry conducted in that way can be satisfactory; and that no serious weight can be attached to an investigation conducted in such a manner. I am fortified in that opinion by the acts of the Indian Government, and by the hesitation and doubt which run through the whole of this case. The Bombay Government refers it to Calcutta; the Calcutta authorities refer it to the Home authorities; the Home authorities refer it back to Sir James Carnac; and Sir James Carnac refers it to the Rajah himself, and asks him to sign a treaty involving a confession of his guilt. The right hon. Gentleman has said that no such offer was made to him. Now, Sir, I think it will be seen from the treaty itself, from the preamble, as well as from the whole conversation that took place, that there can be no doubt that this was the subject of it. I will ask, what is the meaning of his signing this treaty over again, if it is not to imply that the man has been guilty of a breach of his duty? In the very first words of this treaty, not to mention those of the preamble, which are much more clear and distinct, we find the following statement:—

> "That your Highness now binds yourself strictly, and in good faith, to act up literally to all the articles of the Treaty of the 25th of September."

Sir, I do not know how others may interpret the language; but I must say that I could not suppose that any person would subscribe that document, without supposing that it implied a confession of guilt. Sir, I shall not dwell further on this matter. I think the hon. Member for Montrose has made out a strong case for inquiry—whether that inquiry shall take place in the form of a Committee or of a Commission. I shall therefore vote in support of the Motion of the hon. Member for Montrose.

Sir J. W. HOGG: Sir, the hon. Member for Winchester has expressed his surprise at my silence; I can assign a reason which I think will be satisfactory to the House for that silence. The case, if case you can call it, made by the hon. Member for Montrose was so completely demolished by the speech of the right hon. Baronet, that I was content to remain silent; quite contented that the question should go to a division upon the speech of the hon. Member for Montrose, and the speech of the right hon. Baronet in reply. I might, perhaps, deprecate the renewal of this discussion for about the twentieth time; but I am happy the discussion has been renewed, because I am happy that the speech of the right hon. Gentleman will go forth to the public, and will, I hope for ever, put an end to this discussion. The hon. Gentleman who has just taken his seat, says, that he founds his vote and his judgment very much on his opinion of the incapacity of Sir Robert Grant. Sir, if that is all the foundation he has for his vote, I tell him it rests on a very insufficient ground. That may be his opinion, and his estimate of the judgment and talent of Sir Robert Grant; but I beg leave to tell him that that was not the judgment or opinion of those who were his fellows in early life, or of those who knew him in his profession in this House, and in his Government, where he lived respected and died deplored. [Sir T. E. Colebrooke: I said, in his judgment, speaking judicially, pronounced on the case.] I rest my vote not exclusively on, but I beg to say I am very much influenced in my judgment by, the opinion of Sir Robert Grant; and I know no man whose judgment upon a judicial question would influence me more with reference to his power of forming a good judgment, and, above all, with reference to his mild and benevolent disposition. But the hon. Gentleman quotes different paragraphs from different Minutes recorded by Lord Auckland at different times; and he tells you they are contradictory; but he withheld from you the circumstances and the occasions upon which those Minutes were made. The hon. Gentleman confounds together the whole three charges; and he further confounds two very important objects which ought to be kept distinct; and it is by confounding these distinct objects, that he attempts to place upon Lord Auckland that confusion which he must forgive me for saying arises in his own mind, from his not having diligently read the papers. There are two distinct views of this question which I entreat the House to keep in view. One is the general policy of the investigation as regards the interests of India; and the other is, the question of the guilt of the Rajah of Sattara. Now, these questions are most distinct; and I beg the attention of the House to that distinction. The Court of Directors reprobated inquiry; and why? Because it would be better that a dozen petty princes, like the Rajah, no matter how guilty, should escape with impunity, than that a prolonged investigation, lasting three or four years, should create throughout India a vague and undefined opinion that the native Powers were coalescing against the British authority, and that attempts were made to corrupt our sepoys; and to continue an inquiry which might have a tendency to create any such impression would have been most injudicious. The Court of Directors pointed out that indiscretion; the Government of India pointed out that indiscretion; and the hon. Member for Montrose attempted to apply to the guilt of the individual, observations which were applicable to the general policy as regarded the country. That is the way in which he attempted to show that the Government of India and the Court of Directors disapproved of the policy of the local Government. But, says the hon. Baronet who last spoke, if it had not been for the charge of bribing the sepoys, we should have heard nothing about this: the other was the most important charge. I tell the hon. Gentleman the other two were trumpery charges; and the only important charge was the corrupting of the sepoys, the corrupting of the very lifeblood of our Indian empire. That is what the hon. Baronet calls a trifling charge—a Prince attempting to corrupt our sepoys! [Sir T. E. COLEBROOKE: I did not say so.] Did not the hon. Baronet say that that charge was comparatively trifling? [Sir T. E. COLEBROOKE: I said that Lord Auckland had treated it as trifling.] Sir, I beg to say that no part of the Minute of Lord Auckland treats it as trifling; no part of the Minute of Sir Robert Grant treats that charge or that crime as trifling. [Sir. T. E. COLEBROOKE: I am at issue with you there.] Now we come to the first charge. I could go into the case at length, but my desire is to abstain from everything that has been touched upon by my right hon. Friend opposite, because, by repeating, I should only weaken his arguments. I will endeavour, if I can, to answer any observations that have been made, and everything that occurs to me which he has omitted to supply; for, although as the hon. Member for Winchester got up and expressed his wonderful surprise that the right hon. Baronet had not stated the grounds of his judgment, and had not stated the treaty and proved its infraction, I thought he was going to give us the grounds of his opinion. But except his indulging, as those who preceded him had done, in that kind of vague declamation respecting the injustice and the absence of inquiry and trial, and those reports that have been put forth and so diligently circulated for the last six or seven years, and which I have seen in the hands of almost every Gentleman who has risen on this subject, putting forth a few prominent matters here and there, and not conveying a full impression, because I say if those Gentlemen had taken the trouble not to read those, but had gone to the blue books themselves, I cannot believe that any individual here would have entertained a doubt as to the guilt of the Rajah of Sattara. Now, how could the right hon. Baronet and the hon. Member for Winchester, attempt to quote the opinions of the Residents? They advert to the opinions of the Residents, and it is said that four or five were against the right hon. Baronet. Is it any statement that he quotes? Why, General Robertson, one of the Residents, was about ten years before he was there. Yes; but what does General Robertson say? We are told that the Goa charge is a trumpery charge, got up to hunt down this wretched man, the Rajah of Sattara. Why, General Robertson, who supported the case of the Rajah, says, that ten years ago he knew that the Rajah had correspondence with Goa—he knew that ten years ago—and he told him that if he was not more cautious in his conduct, six years before the thing occurred, he would lose his Throne. So much for General Robertson. [Mr. EWART: That was your contemptible case.] Sir, I am now coming to what is called the evidence of character before the charge against the Rajah regarding the corrupting of the sepoys. The hon. Gentleman points to all the Residents as having been opposed in opinion to these proceedings before the Commissioners. General Robertson does not state that; General Briggs has nothing at all to say of that kind; but General Briggs was Resident at the Court of Sattara, and did give an opinion adverse to the character of the Rajah. That was the opinion read by my hon. Friend opposite. But now I come to an important person—and I must express my astonishment that his opinion is so much relied upon by the right hon. Gentleman opposite—and that is Colonel Lodwick. That hon. Gentleman says, that the charge of corrupting the sepoys, arose from an anonymous papers put into the post-office.

But is that the fact? Now, I tell the hon. Member that the charge arose from General Lodwick himself; that gallant officer himself wrote a report to the Government; he gave the names of the sepoys; he gave the names of the native officers; he dwelt on their respectability; he said that he had examined them himself separately; that he could not be deceived; and he was compelled to tell the Government he believed it; and General Lodwick himself suggested to the Governor to send fresh troops to Sattara. Now, that is General Lodwick's statement, upon whom the hon. Gentleman opposite depends for the innocence of the Rajah! But, says the hon. Gentleman, he changed his opinion. I do not wish to impute to that gallant officer that he had not changed his opinion without sincere conviction; I do not attempt it; for I do not stand here—I should scorn to do so—to indulge in imputations on any gentleman. I believe that both opinions were sincere. But I ask the House to measure his testimony, as it would that of any other individual, by looking at the circumstances under which these two statements are given and formed, and then drawing its own conclusions. Now, the statement of General Lodwick preferring those charges against the Rajah is made—when? When he was Resident at the Rajah's Court; when the responsibility for the performance of the duties of that important office was thrown upon him. That is the time at which he makes the statement that he believes the Rajah is guilty. When does he write the letter, and when does he make the statement, that he believes him to be innocent? In a popular assembly, when there is an excited if not an angry discussion; where a great deal of recrimination and angry observations are made; and when he is excited; then he makes the statement that he believes the Rajah to be innocent. Yes; but it is not matter of bare statement. When those charges were preferred by General Lodwick, what course did Sir Robert Grant pursue? Now, I ask the attention of hon. Gentlemen to the course which Sir Robert Grant took: those charges coming from a Resident possessing the confidence of the Government, with a statement that he not only believed them, but thought it impossible that any body should doubt them. Sir Robert Grant, and the Government of Bombay, ordered a Commission. Of whom was that Commission composed? Of General Lodwick, the Commissioner who gave the information; Mr. Willoughby the Chief Secretary of the Government, and one of the most important and trustworthy public functionaries. But he may be called a political person. Well, with a degree of caution which savours of that which sometimes was said—and it was the only thing I ever heard said—against Sir Robert Grant, that he was too cautious, he selects not a political man as the third member of the Commission, but he writes to the Commander-in-Chief, and says, "Give me a trustworthy military man, who knows the country and the natives also;" and Lord Keane gave him Colonel Ovans, the Quarter Master General, and an officer who stands as high in character, and is possessed of as unblameable a reputation, as any man in India, or in this House. That was the constitution of the Commission. Is there any one present who can object to that constitution? Was it not fit that the man who made the accusation, and was Resident at the Court, should belong to it? Was it not fit that Mr. Willoughby, the Chief Secretary of the Government, should belong to it? And was it not right that they should have an impartial man, like Colonel Ovans, to go and institute the inquiry? Well, next comes the question as to the secrecy of this Commission. The hon. Member for Winchester can think of nothing like a just trial that is not of Old Bailey practice; you must have a judge sitting; you must have a jury and two or three counsel on each side, or else you can have no investigation. Now I differ from him entirely. I say that is not the proper mode of inquiry politically. That is not the mode of proceeding of one who wishes to satisfy himself politically as to India. I think a Commission was a fit and proper tribunal to investigate the truth. It was a Secret Commission; and it was right and proper it should be secret, because if the accusation turned out to be untrue, it was proper that no stigma should rest upon the Rajah. The Commission assembled; they sat for twenty-five or twenty-six days; the Rajah appeared before them. [Mr. HUME: Where, and how often?] As often as he pleased. [Mr. HUME: Quite the contrary.] The hon. Gentleman contradicts me, and I am sorry for it. It is my impression—and not only my impression, but the impression of the right hon. Baronet who has to-night read the proceedings of that Commission, in the hearing of the hon. Gentleman himself. [Mr. HUME: That they "called in" the Rajah.]

This is the statement, as far as my memory serves me. After a *primâ facie* case was made, he was called in, but not before; because if a *primâ facie* case were not made, they were desirous that the matter should end: but as soon as a fair case was made, the Rajah was called before them; and he was told that his witnesses would be heard—that his documents would be received—that the witnesses would be adduced and confronted with him. He appeared thrice; but he refused to allow the witnesses to be confronted with him, saying that it was inconsistent with his dignity: but he did get the names of the witnesses; he did give the written documents; and those written documents were recorded, and those witnesses were examined. I ask, what more the Commissioners could have done? But still the Rajah hesitated; and they suggested to him, "Now you had much better bring forward your witnesses and documents; do not withhold any; because if you do withhold them, it will leave an impression unfavourable to your case." Could anything be stronger than that? Well, after twenty-four or twenty-five days' sitting, that Commission came to a conclusion; but what was the conclusion? Why, they found the Rajah guilty. Who signed that report? It was not a mere matter of opinion. My right hon. Friend read the opinion of General Lodwick upon his oath before the Commission. Why, the report of that Commission, declaring the guilt of the Rajah, bears the signature of General Lodwick. Is that an improvident act? Is that mere opinion given, which a man may form hastily and erroneously, and afterwards retract? No; he signs the verdict of guilty after sitting with the other Commissioners for twenty-four or twenty-five days. Now, if the hon. Gentleman had read all the papers, he would have found that General Lodwick was under the impression that he had made certain objections to the wording of the finding of the verdict. He was under that impression; but the other Commissioners state broadly, and I believe, as far as my memory serves, General Lodwick is now satisfied, that he was wrong. He was under the impression that a serious alteration had been made in the finding or wording of the report. Now, I believe I am right in saying that the original draft of the report has been found, and that original draft of the report and the report itself, as signed, scarcely differ from each other. So that, so far from General Lodwick repelling the charges, he caused the investigation, he sat on the inquiry, and concurred in the verdict. He says now that he is sorry he joined in that verdict; and I give him credit for his sincerity; but I ask you this—does it not take away from the force and the weight of the opinion of a witness, when he has sat upon his oath for twenty days to conduct an inquiry, and has come to a conclusion with all the responsibility of office, and sitting as Commissioner—does it not take away from the weight of his opinion, if, some years afterwards, he says he regrets his concurrence, and is very sorry that he did so? He thinks he was then wrong; and he is perfectly right in saying so. I am not imputing to him motives; I am only impeaching the judgment of the hon. Member for Winchester, who impeached the judgment of Sir Robert Grant. He tells you, that it is not a judgment on which you can rely in support of the charges at all. Now, the House will see, so far as these things are concerned, there was a trial. Does the hon. Gentleman deny that there was a trial? [Mr. Hume: I do.] I confess that that does surprise me. The hon. Baronet was more candid; he said, "Why, as regards the first part of the charge, I admit there was inquiry. The hon. Gentleman did think, and he did say, that, with a Commission sitting—the party accused brought in—his witnesses heard—his documents to prove his case produced—that that was no inquiry. But it is said that there is no inquiry which can be satisfactory unless it is a public trial. Now, I wish the hon. Member for Montrose had in his speech told us what he meant by a trial. [Mr. Hume: I did tell you.] I wish he had told us what the tribunal was he wanted. [Mr. Hume: I did.] You did! I will tell the House what the hon. Gentleman said. You said (appealing to the right hon. Gentleman), "Why will you not give us a Commission at Bombay?" Why, Sir, I cannot but think that this was a most extraordinary interrogatory. In 1847, the hon. Member asks the right hon. Baronet for a Commission to Bombay, when at the time of the charges in 1837 there was a Commission to Bombay or Sattara, the very place in which the alleged misconduct took place! He asks for a Commission. Why, you had one; not sitting here, which would have made it a mockery; not sitting in Bombay, where it would be comparatively useless: but you had a Commission sitting in the very spot where the alleged crime was supposed to have been committed, and at the very time that it occurred; and yet the hon. Gentleman is not satisfied with that, but he asks for a Committee ten years afterwards, sitting here, and says that would be better. Now, if the hon. Gentleman goes a little further, if he wants to establish this, there must be some kind of mock tribunal for the trial of every petty prince and sovereign in India. [Mr. HUME: A mock tribunal?] I say "a mock tribunal," and I call it so, recollecting what the hon. Member read from Mr. Macaulay. I should have liked to have heard the declamation of the hon. Gentleman opposite, if there had been some such trial. Supposing there had been some kind of tribunal constituted by the Company's servants; supposing there had been the mockery of a police court, judges sitting, witnesses examined, and formal verdict pronounced; what declamation we should have heard! "Why did you not satisfy your conscience with some proper inquiry? Why did you mock justice? You, the sovereign Power, the paramount Power in India, holding forth a mock trial, putting forth mock judges, knowing that the inevitable consequence must be, from the feeling of the natives, a consciousness that the paramount Power desired a conviction. Why, the consequence would be that they would invariably bring him in guilty." Sir, I am almost ashamed to have dwelt so long on the proceedings of the Commission; but I have abstained from going into the documents which were gone into by the right hon. Baronet. But, said the hon. Member for Winchester, "you only read his opinions." Now I do think that was the most extraordinary charge or observation that I have ever heard in my life. Only read opinions! Opinions, but what opinions? Why, the opinions of three Commissioners who were appointed to try the Rajah: the hon. Gentleman considers that where you have three Commissioners acting on their oath, that reading their conclusions is reading valueless opinions. Well, what else did the right hon. Baronet read? Why, the opinion of the Governor of Bombay, the opinions of the Members of the Council of Bombay, the opinions of the Governor General, and the Minister for India. These are all thrown aside, and thrown aside with contempt. To whom and to what then are we to look for the Government of India? But I go the whole length, that if any person has been tried by a competent tribunal—if there has been every reason to suppose that there has been a fair inquiry—and if you have no reason to impeach the character or the motives of those who make the inquiry—I say this House of Commons ought not to re-open the case. If you do it in one case you must in another, and the more criminal a man is the more he will persevere, if he has only money enough to send home to pay agents to agitate; and an inquiry of some kind or other must be gone into in the House of Commons, casting obloquy upon men honourably and conscientiously discharging their duty. But the hon. Gentleman says, why do you give a criminal 12,000*l.* a year? I ask you to tell me one single instance since the British first took possession of India, where a Sovereign was deposed without having had assigned to him an adequate income corresponding with his station. I tell the hon. Gentleman there is not one. Look at the head of the Mahratta Confederacy, Bajee Row. I ask the hon. Gentleman what was given to that head of the Mahratta Confederacy, who in 1819 raised all India, and contended against the British power; and where Lord Hastings had him in his power and had destroyed the Mahratta Confederacy: what was given to that Prince? 80,000*l.* a year. This was given by Sir John Malcolm. There never has been an instance where this has not been done. We know the temptations to which princes are exposed; we know the contrast between our power and theirs; we have ever pursued the course of providing for them liberally, and I hope we ever shall pursue it. And I believe, that by pursuing it, we adopt a proceeding which tends to conciliate and strengthen our power in that country. Then comes, Sir, the charge as to the communication with Goa — the charge as to the correspondence of the Governor of that settlement with the Rajah. [*Laughter.*] It is very easy to smile with derision at a communication with Goa; but the hon. Member who smiles must discredit my friend who is now no more—General Robertson, if he denies that communication. I am not going into the details of the evidence to show the extraordinary correspondence that arose; I am not going to mention that, because it would be going into details; but no person can read through that evidence—admitting as I do the absurdity of the scheme, broadly admitting it—without believing it. Why, the hon. Gentleman opposite says, "I wanted to find out the truth of the statement, and therefore, he wrote to the Portuguese Governor. But what answer did he get? Did he get an answer that he had had no communication with the Rajah of Sattara? I beg to tell him that he got no such answer. He got an answer that he had had no communication with the Rajah of Sattara upon political subjects. Yes; but I tell the hon. Gentleman, that by the treaty which placed the Rajah on his throne, he was specially precluded from corresponding with any such Power. Who framed that treaty? Mr. Mountstuart Elphinstone. Did he know the natives of India? Did he know the Rajah of Sattara? Did he know the necessity of imposing restrictions? But Mountstuart Elphinstone it was who prompted the terms and conditions that the Rajah should not communicate with any native Power. And if the House wants to know how far this restriction was carried by Mountstuart Elphinstone, I tell them, that he said to the Rajah of Sattara, even on matters relating to the marriage of any of his family, you must communicate through the Resident. So that he shuts out every excuse. And the very fact of a communication, no matter what the communication was, with Goa, was a violation of the treaty; subjecting him, if we chose to enforce rigidly the penalty, to the loss of his rank. Well, is it so absurd that he should think that the Portuguese would send him a force, aided by the French and Austrians? I do not think it is, considering the character of the Prince; and I can give you proof of its not being so absurd. The hon. Member read the Minute of Sir James Carnac; and a very able and interesting one it is. Does he remember the Rajah telling that officer that he gave 80,000 rupees to the house of Milne and Company to build a ship? Does he remember that he told Sir J. Carnac the purpose for which this investment was made, and that he intended to give 80,000 rupees more? What do you think that purpose was? It was to keep up the communication with Europe. Then fancy the Rajah of Sattara building a ship in Bombay, seriously saying, that it was to keep up a communication with Europe. I will tell you what is still more absurd—that that ship happened to go to Europe during the time of the disturbance; and so inflated was this wretched man, so deceived was he by the sycophants and the agents around him, that he gave a grave assurance to Sir James Carnac, stating that he hoped the British Government would not think that he (the Rajah of Sattara) had any hostile intention against the British Government, because the ship had gone to Europe. Now, I say, that that is just as absurd as supposing that 30,000 men would come from Portugal to overthrow the British power in India. That shows the absurdity and the extravagance of the man, and makes you ready to believe anything you hear of him as regards absurdity. Then the next and last charge is, corresponding with the ex-Rajah. I will not go into any details; but what does he say to Sir James Carnac, when he produced him a letter from the ex-Rajah? What did he say? What would any honest man have said? Would he not express astonishment, and say that the letters had not reached him? Oh, no; he was wily enough, as an hon. Gentleman has dwelt so much on wiliness; he concealed the letter, and he said, "Why what is the use of that? Show me my answer." That is the only explanation that he would give Sir James Carnac when he produced this letter. I admit he was very wily, and he did not want any lawyer to assist him. Mentioning lawyers, I ought to have said he asked to be furnished with a lawyer from Bombay; and very properly the Commissioners refused him, and said to him, "You will not be allowed a barrister, but any friend you may wish you may have;" and he took in his own brother before the Commission. Now, there are some few statements made, I think not very creditable to the hon. Member for Montrose, which were answered by my right hon. Friend, excepting one or two. He demolished pretty well the tale about the Rajah having been hurried away from Sattara, after he was deposed and taken to Benares. I do confess that after the statements which were made, signed, I believe, by my hon. Friend, Sir Charles Forbes, whom I recollect myself in this House several years ago giving an explicit denial to that statement, and subsequently to that statement in the blue book, there is the letter read by my right hon. Friend—notwithstanding that statement made in answer to the charge, I do confess my surprise when I heard that charge repeated, and when I asked the hon. Member whom the letter was from that he should have refused to give the name of the writer; but the hon. Gentleman, without giving the name, arraigned a gentleman before this House upon serious charges. Now we are told that the Rajah was taken to some horrid place. But where was he taken. Why to his own country-house, seven miles distant from his palace. He is taken to his own country garden. That is the place which is said to have been over-run with rats and mice. There he is kept for three months leisurely preparing for his journey; a journey performed at the rate of nine miles a day, at a cost of 80,000 rupees, all of which was paid by the Government. I cannot, and I can, but express my sorrow that this charge is again preferred against Colonel Ovans. My right hon. Friend has furnished one or two specimens of the hon. Member's charges; one or two occur to my mind, and I have them here. The hon. Gentleman says, that Colonel Ovans suborned evidence, that he suborned witnesses. [Mr. HUME: Yes, the blue book proves it.] Is that the case? Again, more particularly, there is the case of the forged seals, part of which the right hon. Baronet read, and I will supply the rest. Now, the hon. Member says that he read that charge from the blue book. The hon. Member must excuse me if I tell him what appears in the blue book. It appears in the blue book, that Colonel Ovans sent these papers to the Governor, distinctly stating, as my right hon. Friend has read, that the seals were not the seals of the Rajah; and further, that he had no evidence to show how he came in possession of them. But what about the payment of the 450 rupees? Certain treasonable papers were said to be in the possession of a particular individual: this was reported to Colonel Ovans. The hon. Gentleman knows that there is nothing in India that may not be pawned, and that there is nothing more readily pawned than title-deeds. It was said that these papers happened to be pawned, which was a very likely thing for them to say, in order to extort a little money. These papers are pledged, it was said, for 400 rupees, and I cannot get them out of pledge without paying 400 rupees. Colonel Ovans reported the matter to the Government, and with the sanction of the Government authorized the payment of the 400 rupees to the person, in order that these papers might be taken out of pledge and be produced. They were taken out of pledge and produced, and they were found to be important and material evidence. That is called purchasing documents. Then there was another case, that of Captain Durack, in which he applied to Colonel Ovans, and said, "This man is poor, and unless we pay the expenses we cannot proceed." He authorized him to pay 150 rupees for the expenses. Colonel Ovans was in India, and saw all these charges, and what did he do? He wrote to the Government—he went to an adjoining magistrate, declaring the falsity of every charge made against him. Now, Sir, there was another thing which the hon. Gentleman said. "Ah!" he said, "but Colonel Ovans intercepted this correspondence; and, notwithstanding all that intercepted correspondence, nothing of any importance was found." Why, Sir, the Rajah had no right to correspond with anybody except the people within his own dominions, without the matter being first brought before Colonel Ovans. That is one of the terms of the treaty. I do not know that the correspondence was intercepted; but I admit, with the hon. Gentleman, it appears in the blue book that Colonel Ovans did get, somehow or other, a copy of the correspondence that passed between this man and his agents. I will give you the opinions of the Bombay Government, and a few of the extracts from that correspondence:—

"In continuation of your letter, dated the 7th ultimo (No. 23 of 1838), relative to the Sattara affair, we have the honour to transmit to your honourable Committee copy of a further despatch from the acting Resident of Sattara, dated the 20th ultimo, on the subject. We have forwarded a copy of the above despatch to the right hon. the Governor General of India, and have solicited his Lordship's particular attention to the sixth paragraph of Lieutenant Colonel Ovans's letter above quoted, and to the documents therein alluded to, proving that the Rajah's agents at Bombay have not scrupled to communicate to the Rajah events of a political nature, which are, at present, a cause of much anxiety and embarrassment to the British Government. We cannot suppose that it will be tolerated, that persons, not only British subjects, but servants of the British Government, shall transmit information of a political and secret nature connected with military operations to a foreign State known to be ill-disposed towards us; and although this Government cannot apply a remedy, yet we deem it our bounden duty to represent in the strongest terms the gross indecency and impropriety of such communications. Your honourable Committee will observe from Rungoba's letter"—

(I believe he is the Agent for the Rajah of Sattara, who is now in this country)

—"your honourable Committee will observe from Rungoba's letter, dated the 7th of August (No. 9 of the enclosures of Lieutenant Colonel Ovans's despatch), that he communicates, in Dr. Milne's name, that disputes exist between the British Government and Persia, Arabia, and Russia; that we have concluded a treaty with Runjeet Singh; that we are threatened with hostilities by the Chief of Nepaul, who had collected an army of 20,000 or 25,000 men; and, lastly, that the Rajah of Burmah is preparing to war against us; and adds that he had visited Mr. Baber, who had confirmed the intelligence to the above effect received from Dr. Milne. In a postscript he (Rungoba) communicates information regarding the movement of troops and reinforcements expected from England; describes Shekarpore, and states, 'the Nepaul Wald has issued proclamations inviting all Hindoos, whoever they may be, to co-operate, and to enter his service."

That is an extract from the intercepted correspondence. In Dr. Milne's name, Rungoba enjoins secrecy. This is the extract:—

> "The Sahib said, these matters which I have directed you to write, and to report to the Maharaj Surkar, should not be publicly communicated to any one there."

All that is extracted from the intercepted correspondence. In a letter of the 11th of September, the Agent reports that it had been discovered that the States of Rajpootana were in treasonable communication with Russia, and had written—

> "We all are one; with your co-operation we will expel the English from this country."

[Mr. HUME: What is the date of that?] I am now reading a letter from the Bombay Government to the Secret Committee, bearing date the 5th of October, 1838. In allusion to the Rajah of Sattara's own case, the Agent observes significantly, "but there is no documentary proof." [Mr. HUME: Hear!] I have read to you from this letter from the Bombay Government—giving extracts from it which seem to excite the merriment of the hon. Gentleman—giving a communication respecting a supposed combination of Native Powers against us; and this communicated to the Rajah by agents of his at Bombay. That correspondence was intercepted; and on that the hon. Member raises an argument for the Rajah's innocence, saying that nothing was found which in any way tended to inculpate him. I have read to the House an extract from the correspondence; it will be for them to judge whether or not there is anything there that criminates the Rajah. The hon. Doctor opposite (Dr. Bowring) said, to my astonishment, when he gave the House the opinion of the Court of Directors upon the Rajah's guilt, that there were eighteen favourable to the Rajah. Now, there are only twenty-four of us; and, therefore, according to his statement, there could be only six who agreed that he is guilty. I am utterly at a loss to understand this. [Dr. BOWRING: There are thirty-six.] I beg to enter into no speculations about numbers. Now, that decision took place respecting the guilt of the Rajah of Sattara. There were nineteen Directors present, who voted by ballot: fourteen voted that the Rajah was guilty, five voted in the opposite way, and four out of the five recorded dissents. Those who were not present were Mr. Loch, who was of opinion with the majority of the Court; Mr. Marjoribanks, who was then taken exceedingly ill, and never gave any opinion; Sir William Young, whose opinion went I am not sure which way; but, as I said before, of the Directors present, fourteen were of opinion that the Rajah was guilty, and supported the finding of the Bombay Government; and five only were against it. The hon. Member goes through the Court from that day to this. A great number of Directors have died; others have been elected in their places; and he puts together all the members in ten years who ever gave any vote in any way in favour of the Rajah. In that way he has come to his conclusion; but I beg the House to understand, that of the twenty-four directors at the time of the Rajah's deposition, nineteen out of the twenty-four were of opinion, reluctantly expressed, that the Rajah was guilty. [Dr. BOWRING: I stated, that eighteen voted against the Rajah.] I am glad that the hon. Gentleman has abstained upon this occasion from repeating the charges he made before against Colonel Ovans—charges of so grave a nature as those which the House has heard—charges that were made in the last debate against that gallant officer. The same source from which all those charges emanate about his being a suborner of witnesses, and a purchaser of evidence, the same individual charges his brother-in-law and his father-in-law with having 1,500*l.* a year allotted first to one and then the other; and that he gave him, in fact, a bribe of 5,000*l.* or 6,000*l.* a year—all that was from the same source. I need hardly tell the House, that by the Bombay Government and the Court of Directors no inquiry ever was made, and I hope no inquiry ever will be made. I hope that the character of that gallant and distinguished officer stands too high to render inquiry necessary; and if even he was to ask for inquiry, and court inquiry, it would be the duty of the Court to tell him "no inquiry shall be instituted. You have been a public servant; your conduct throughout is known by the local Government whom you served, and by the Home authorities; and if public servants abroad are not supported by the local Government—if men performing arduous and painful duties are not supported by the authorities abroad and at home, it will be fatal to the government of our possessions abroad, but more particularly to our possessions in Asia. We owe the preservation of that country, and the success which has attended that Government, to the honour and ability of our public servants. We have never failed to punish them when we have found them guilty; we have never rejected inquiry when we had reasonable ground for suspicion; and we do not shrink from maintaining and supporting them in a just decision."

LORD J. MANNERS: Sir, my hon. Friend the Member for Shrewsbury has drawn a very curious and admirable distinction. I have a very strong impression that those who are in favour of liberal opinions will be found on one side of the House; and those who are in favour of popular principles on the other. This is not the first time I have observed that those Gentlemen who belong to the present Government, and the Gentlemen who belonged to the last, when a question comes before the House for inquiry into the conduct and the proceedings in any department of the preceding Government, unite to defeat that inquiry, although the rest of the House imagine that the ends of justice require it. Sir, I believe that will be the case in the present instance; but that conviction will not deter me from giving my vote in favour of the inquiry for which the hon. Member for Montrose asks. I should have given that vote without saying a single word on the subject, if it had not been for some remarks of the hon. Baronet who has just sat down. I could not help noting some of the points made by the hon. Baronet; and I trust he will allow me to express my opinion on the subject which is now before the House. The hon. Gentleman, Sir, commenced his speech by saying, that it was better that twelve native princes should escape, than that one guilty should be condemned, if his condemnation necessitated a lengthened inquiry. I confess, Sir, that I was surprised that the hon. Gentleman should carry that principle as he has to the present instance. But I wish he would permit an inquiry to take place, to see whether the Indian Government has not condemned one native prince who is innocent, in order to prevent a necessary inquiry taking place. That, Sir, is the conviction of myself; and that is the conviction of a great number of Gentlemen in this House—that an inquiry is about to be stifled to prevent the reconsideration of an unjust sentence against one native prince, the Rajah of Sattara. Then the hon. Baronet says, that no Gentleman who has read the blue book can doubt the guilt of the Rajah as far as the charge of corrupting the sepoys is concerned. But the hon. Gentleman who brought forward this Motion, and the right hon. Gentleman who has spoken in its favour, has, I think, satisfactorily shown to the House that the opinion of four out of five of the Residents who decided on this subject, has since been, that the decision should have been given in favour of the Rajah. I would now ask the hon. Gentleman, what grounds he has made for supposing that the recent opinion expressed by those Residents is less worthy of belief than the first opinion that they expressed. I will take the case of General Lodwick. I listened to that argument with great attention; and I must say, that a more unsatisfactory and unconvincing argument I never heard. What does the hon. Gentleman say? He says, that General Lodwick, when he first gave an opinion, agreed with the other Commissioners upon the guilt of the Rajah; and gave that opinion with all the authority of official investigation, and the distinguished position that he occupied—that he acted as a judge, and, acting as a judge, clothed with all that official authority, he gave his verdict against the Rajah of Sattara. But he says, he gave his second opinion, reversing the first under very different circumstances, namely, that the second opinion was given in a popular assembly, during the heat of debate. Now, Sir, I must say, that sitting here in a popular assembly I have certainly never heard an official Gentleman so anxious to reverse an opinion which he formerly expressed. On the contrary, I have always found that opinion, however unfounded and inexplicable, has been asserted and maintained in this House, with just as much vehemence as if there had been no doubt whatever upon the subject. I do not think that General Lodwick's opinion having been given in a popular assembly in the slightest degree makes against its being a decision given upon the most mature conviction, and from a sincere regret by the hon. Gentleman, that his first decision should have been what it was. I say that this is perfectly in accordance with a proper, fair, and wise decision. Then, the hon. Gentleman says these two contradictory opinions have satisfactorily disposed of General Lodwick's authority. The conclusion, Sir, which I came to on hearing the antagonism expressed by the hon. Gentleman between General Lodwick's two opinions, was, that he himself had made a very satisfactory case for inquiry; but no case for refusing it. If General Lodwick, in the first instance, stated that the Rajah was guilty, and in the second, that he was innocent, I think that circumstance makes it a very proper case for inquiry, and not for refusing the Motion of my hon. Friend the Member for Montrose. Then, Sir, the hon. Baronet stated that it was notorious to every one connected with India, that every criminal, however guilty he might be, if he could find funds, might get up a case in England, and procure an inquiry. Sir, I grant the hon. Gentleman his supposition; but I think there is a very great difference between a criminal, however guilty, procuring an inquiry, and a criminal, however guilty, being refused an inquiry. The hon. Gentleman asks, not that this House shall pronounce an opinion, but that there shall be an effectual, searching, real inquiry into the case; and I do not believe that the 12,000*l.* a year, which the Rajah of Sattara is said to possess, would in any way influence the decision of a Commission or a Committee. Then, Sir, it was said by the hon. Gentleman that the Rajah had most clearly violated the treaty and engagement which he had entered into when he ascended the Throne. The hon. Gentleman states that by the treaty with the Rajah, he was debarred from entering into any communication whatever with any native princes. Then he states that if he had regarded this treaty, he could not have had the slightest communication with the Portuguese authorities at Goa. Sir, I do not know that the Portuguese authorities at Goa could be regarded in the light of native princes. [Sir J. W. HOGG: I said communication with any person out of his dominions, except through the medium of these official persons.] The hon. Gentleman has explained that he means by "any native princes," anybody out of his own dominions. The hon. Gentleman went on urge, that when the Rajah explained to the Government of India, that he had purchased or built a ship with which he proposed to trade to Europe, that showed how extravagant a man he was, and how absurd in his notions. Well, Sir, that may be very true; but I do not think that the charge of absurdity, as brought against the Rajah of Sattara, is proved by it in any way. I think the openness of the man is apparent. He goes and tells them, "Sir, I have got a ship, and am going to trade with Europe." Tho hon. Gentleman says, "See what sort of a man this Rajah must be; see what an extravagant man he must be." Now, Sir, the hon. Gentleman ended his appeal by saying, that although Colonel Ovans had demanded an inquiry, it would have been the duty of the Indian Government, and it was the duty of this House, to refuse that inquiry to Colonel Ovans. Sir, the hon. Gentleman has defended Colonel Ovans; and I am not disposed to doubt that he has given a right decision on this question. I know nothing of Colonel Ovans, or any of the gentlemen on either side in this case; but I must say this, that however the hon. Gentleman may defend the case of Colonel Ovans, and the whole course of conduct of the Indian and the English Government, and however he may say it is unjust to Colonel Ovans to open this question, I say it is harsh and cruel to this Prince not to grant the inquiry he asks. I say that when the hon. Gentleman applies the same argument to the case of the Rajah of Sattara, I think the House will be very wrong indeed if it accedes to any such proposition. It may be well that Colonel Ovans should not have his case investigated—it may be well that his inquiry should not be granted; but the case for inquiry the hon. Member for Montrose has submitted to the House, has not been affected by any argument which we have heard from the hon. Baronet. I shall give my vote this evening with a most clear and decided conviction, that the ends of justice will not be attained, and that the integrity and honour of our Indian Empire will not be secured, unless we grant this deposed Prince the opportunity he asks of inquiry before a Commission or a Committee.

MR. HUME: I must say one word in explanation, because this is a very serious matter. The hon. Baronet says, I have charged unjustly Colonel Ovans with purchasing evidence. Sir, I read a letter from Colonel Ovans, dated the 27th of September, 1837, addressed to Lieutenant Durack; and Captain Durack states to him that he had obtained information of the existence of certain papers, but that the person in whose possession they were refused to communicate them to Colonel Ovans—that he waited his reply—that Colonel Ovans, on his return home, directed him to pay any sum of money to get that information which was wanted. Captain Durack reports that he paid 150 rupees to Bhow Lely, and here is Bhow Lely's reply, in which he acknowledges that he received that money, and that he is to be further rewarded if the treasonable papers connected with the Rajah's case are found —that Colonel Ovans acknowledges this. [Sir J. W. Hogg: If the hon. Member will read the blue book, he will find that he is not correct.] I beg your pardon. In the Parliamentary Papers, page 392, paragraph 4, with reference to the statement of Brahmin Bhow Lely, upon which so much stress is laid, it is said—

> "I beg to observe, that on my arrival here, Captain Durack reported to me that an offer had been made by this man to produce some treasonable papers, on promise of a certain reward; and after ascertaining that he had been for some years in the employment of the Rajah, I authorized Captain Durack to pay him a certain sum for his expenses, and to give him a paper, saying he would be rewarded according to the service he might perform."

That is the case. Now, there was another observation made, in which the hon. Gentleman accused me of not having pointed out what the inquiry was I wished to have. I did state that; I held in my hand this paper; and I am quite surprised, for the hon. Gentleman knows that this was addressed to Mr. John Shepherd, the Chairman of the Court of Directors, on the 18th of May, 1844, forwarding eighteen papers, offering to prove the whole conspiracy against the Rajah, by living witnesses and individuals, having sent a petition to me, which I presented to the House; and another petition was presented to the Court of Directors, with all the documents. I have the words. I say—"The House of Commons has printed the Sattara evidence, and made it readable by and accessible to all. Let the evidence in this shape be put into the hands of two competent, judicious persons, civil or military, taken from Benares, where the ex-Rajah now is, or its neighbourhood; let them be instructed to ascertain the truth of the new and most important facts submitted to your consideration now, and let them report to the proper authorities thereon. If it shall be satisfactorily proved, and the living witnesses can be referred to, and submitted to such examination as shall remove all doubts of the truth of their testimony, I hope, in the cause of justice, I shall not appeal in vain. If, then, documents, and other facts brought to support them, shall establish a system of subornation and perjury, by which the late Rajah of Sattara has been removed from his station, I hope the Court of Directors will be disposed to do justice to the deposed Rajah, and to all parties who have been injured by falsehood and perjury." Then the hon. Gentleman will see to what I alluded in Colonel Ovans's letter; and this is very important, because it is the very point of the charge against Colonel Ovans. The police officer there took security from this individual for 1,000 rupees—a man who was only receiving five rupees per month.

On the question, that the words proposed to be left out, stand part of the Question, the House divided:—Ayes 44; Noes 23: Majority 21.

List of the AYES.

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Bellew, R. M.
Blackburne, J. I.
Buller, C.
Clive, Visct.
Craig, W. G.
Dundas, Adm.
Ferguson, Sir R. A.
Gardner, J. D.
Gibson, rt. hon. T. M.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Hamilton, W. J.
Hawes, B.
Hobhouse, rt. hon. Sir J.
Hogg, Sir J. W.
Hutt, W.
Jervis, Sir J.
Jocelyn, Visct.
Labouchere, rt. hon. H.
Macaulay, rt. hon. T. B.
M'Taggart, Sir J.
Masterman, J.
Maule, rt. hon. F.
Monahan, J. H.
Morpeth, Visct.
Morris, D.
Morison, Gen.
Mostyn, hon. E. M. L.
Ogle, S. C. H.
Palmerston, Visct.
Parker, J.
Polhill, F.
Price, Sir R.
Rich, H.
Rutherfurd, A.
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Somerville, Sir W. M.
Spooner, R.
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Wood, rt. hon. Sir C.

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Tufnell, H.
Cowper, hon. W. F.

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Beresford, Maj.
Blake, M. J.
Borthwick, P.
Bouverie, hon. E. P.
Bowring, Dr.
Brotherton, J.
Colebrooke, Sir T. E.
Colville, C. R.
Duke, Sir J.
Escott, B.
Evans, Sir D. L.
Hall, Sir B.
Henley, J. W.
Hervey, Lord A.
Lawless, hon. C.
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Rashleigh, W.
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Order read. Committee of Supply deferred.

House adjourned at a quarter past One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME XCIII.

BEING THE FIFTH VOLUME OF SESSION 1847.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committed.—*Re-Com.*, Re-committed.—*Rep.*, Reported.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.* Additional Clause. —*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.* Original Question. —*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress—*A.*, Ayes.—*N.*, Noes —*M.*, Majority.— 1*st Div.*, 2*nd Div.*, First or Second Division.

☞ *The * indicates that no Debate took place upon that stage of the Bill.*

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Page 129, line 24, *for* Mr. C. Burrell, *read* Sir C. M. Burrell.
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— 703, — 24 from bottom, *for* Sir G. Heathcote, *read* Sir W. Heathcote.
— 798, — 19, *for* at the Foreign Office, *read* at the Colonial Office.
— 1160, — 21 from bottom, *for* Captain Layard, *read* Major Layard.

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